

STATE OF SOUTH CAROLINA,

COUNTY OF

YORK

KALISHWAR DAS

Plaintiff,

vs.

① Rajesh Hassani

② Pushpa Inc.

③ WHD & US DOL

Defendant.

IN THE COURT OF COMMON PLEAS

SUMMONS

FILE NO. 2019-CP-46-01187

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

YORK

, South Carolina

Dated:

04-02-2019

Plaintiff/Attorney for Plaintiff

Address:

1505 THE CROSSING, ROCK HILL, SC 29732

DAVID HAMILTON
C.C.C.P. & GS
YORK COUNTY, SC

2019 APR -2 PM 3:15

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STATE OF SOUTH CAROLINA

In The Court Of Common Pleas

____ YORK ____ County

Pro Se

Plaintiff:

Kalishwar Das
1505 The Crossing
Rock Hill, York County
South Carolina 29732
kalishwardas@gmail.com
8033702344, 8032627737

VERSUS

Defendant:1

Mr. Rajesh Hassani
President, Pushpa Inc.
749 Albright Road
Rock Hill, York County
South Carolina 29730

Defendant:2

Pushpa Inc.
749 Albright Road
Rock Hill, York County
South Carolina 29730

Defendant:3

US Department of Labor, Wage and Hour Division
1701 Senate Street, Columbia
Richland County
South Carolina 29201

TRIAL BY JURY IS DEMANDED

File No: 2019 CP4601187



DAVID HAMILTON
C.C.C.P. & OS
YORK COUNTY, SC

2019 APR -2 PM 3:15

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The Complaint:

Plaintiff, Kalishwar Das, by Pro Se, files the following Complaint against defendants, Mr. Rajesh Hassani (1), Pushpa Inc. (2) and Wage and Hour Division of US Department of Labor (USDOL) (3), jointly and severally.

I, **Kalishwar Das**, of legal age, married to Vibha Devi Das since 2001, Asian Indian and a resident of 1505 The Crossing, Rock Hill SC 29732, after having been sworn in accordance with law do hereby depose and state:

That I, as the Plaintiff, am instituting this complaint case by Pro Se, against defendants, Pushpa Inc. and Mr. Rajesh Hassani for their illegal and forceful deployment of Plaintiff, (myself) [Section §16-3-2020 (1)A, read 3(D) for business owners; due to which Title 8-30-10(A)(B) and 8-30-20 of Immigration law was violated with the loss of Plaintiff's human rights violently, Section §1-13-80,] by mentally torturing him, with criminal negligence [SECTION §15-78-20 of Tort acts of SC Code, Section §16-3-1050, {Title 41. LABOR AND EMPLOYMENT Chapter 7 of SC Code mentions the right to work and do not specifies the laws against compelling a worker to work out of his will and freedom but the Section §16-3-2020, therefore, should be considered as, under the statutes on kind of tortures instead, as claimed so the SECTION §16-3-1050 applies respectively which involves criminal conspiracy and destroying career, peace, family life and public reputation, SECTION §41-27-560 prohibits charge of slander, but §41-27-590 allows to bring suit in the court of South Carolina where business or violator resides, SECTION §16-7-150}); with physical assault [SECTION §16-3-600 (2) of SC Code]; And against: Wage and Hours Division (of USDOL), for ignoring Plaintiff's human rights, [to be read under SECTION §1-13-80(I), South Carolina Human Affairs Law and §1-13-70 of EEOC] and (L) for adopting unverified work hour records and computing thereupon the overtime wages to generate a compensation wrongly without specifying off day work statute; [under Section

§41-27-180 of SC Code and for breach of Privacy], as the acts governs effectively, being a claimant, the Plaintiff; Jointly and Severally.

Rule 17(b) is the first sentence of the Federal Rules and includes the conflicts law of the State. The remainder of Federal Rule 17(b) provides for problems peculiar to Federal courts and is deleted. The rule does not attempt to define the capacities of parties to sue or be sued but refers to the law that explains these matters. So the Plaintiff despite being a non-citizen of the United States deserves the right to bring suit in this court for justice, equal and for all or any, as the preamble of the United States Constitution guarantees.

Losses due to tortious forced or compelled workload onto Plaintiff is immeasurable unlike the loss of overtime wages of over nine years, which is \$282,369.00. Plaintiff reserves his right to ask for compensatory damages as his second preference other than the legal punishment to the Defendants as first preference [for actual injury and loss to the Plaintiff, his wife and his family; causing the loss of mental anguish and stress¹ and health of Plaintiff and his family with disabled wife²,

1 Plaintiff's struggle to survive with his innocent family was full of stress and mental anguish, which finally resulted in the loss of his job, finance, health and change of Immigration status.

2 Plaintiff's wife Ms. Vibha Devi Das, a graduate of 1995 in sociology was teaching MS-DOS in primary school before she married to Plaintiff in 2001. She had pre-existing condition of physical disability after she fell from height in 2006 in India. She attended visa interview successfully and travelled well to the United States in 2008 with her two children. despite she was unable to walk straight or catch anything heavy constantly. Symptom of Personality disorder {emotional instability} emerged only after she started encountering serene loneliness home with no lingual companionship like Plaintiff but unlike her own children who quickly got merged with English speaking circle. This resulted on her a severe personality disorder, recovery of which is not guaranteed now.

criminal negligence, defamation³ of name and reputation per se, insulting words, public humiliations and civil conspiracy of retaliation with breach of privacy as the Act explains respectively]; to the Defendants for their committed offences, but for the punitive damages [S.C. Code § 15-32-510, cap on punitive damage are waived off if (1) the wrongful actions of the defendant were motivated by financial gain and were unreasonably and knowingly hazardous with elevated probability of injury occurring and (2), the unlawful acts of the defendants could constitute a felony.], prejudgment interest on the principal sum to be decided, as if also asked for the compensatory damages; awarded by the Jury from October 1, 2008, to the date of Judgment at the rate court computes pursuant to SECTION §15 37 40 and §15 37 30 of the SC Code, as amended (the "Code"), injunctive relief, and (d) court costs – arising out of defendants. General compensatory damages may include later, for Mental anguish, Disfigurement, Future medical expenses, Future lost wages, Long-term physical pain and suffering, Loss of consortium, Inconvenience, Loss of enjoyment of life, Loss of opportunity to the Plaintiff and his innocent family as if, the court finds them true during the Jury trial and with provided evidences.

The wrongful actions of the defendants (1&2) were motivated by financial gain and were unreasonably and knowingly hazardous

³ By a failed trial to implicate Plaintiff in stealing charge and termination thereafter, Plaintiff lost hard earned reputation among friends, customers and colleagues despite Police didn't find any such proof, and his termination also ended with reinstatement but his lost reputation never recovered. This was a clear case of defaming a reputed person like Plaintiff.

with an elevated probability of injury occurring. The unlawful acts of the defendant (1&2) could constitute a felony and therefore, the demand for punitive damage.

The Facts And Background:

Defendant sponsored Plaintiff on specialty visa program of H1b in October 2008 from India. Plaintiff already had served to Defendants (1&2) with his impressive multifarious talents for 18 months as AISEC sponsored candidate for training (on J1 visa) to obtain his MBA equivalent US degree from October 2006 to April 2008 and returned to India as a mandatory requirement of this visa. After rehired as a trained H1b employee now, he had to perform a specific job of an analyst for business development and promotion with a fixed monthly salary of \$3000 with limited 8 hours of work for five days a week, as per his first LCA ruling and guideline provided. There was no any sale based commission to be given to the Plaintiff unlike most of the managers in the mall were earning or were in despair of earning of the other employee at the same location Plaintiff worked or the managers on other locations with less effort and work load comfortably. As an average direct annual sale turnover of the location Plaintiff worked at, six days a week from open to close fluctuating hours of no less than 10 hours everyday, was \$3,60,000.00 which excluded, online sale, wholesale and the earning made out of Plaintiff's indigenous performance in tailoring and alterations. None of these works were

the specified work of Plaintiff in his LCA where the terms of payment and hours were widely compromised forcefully by the defendants (1&2) which turned out to be the main reason of all discomfort, dispute and loss to Plaintiff which passed through a horrible session of torture, blackmailing and physical assault to the loss of job of Plaintiff, with health and financial losses to claim now, in this complaint petition for justice.

Information about Proposed Employment is Provided as an Attachment:_01_ which contains _08_ pages.

The defendant employer, Pushpa Inc. Defendant (2) in control of its owner Mr. Rajesh Hassani, Defendant (1), refused to abide the legal ruling of an approved LCA from beginning, which the Plaintiff opposed and the dispute escalated with immeasurable losses on Plaintiff causing this complaint case to file for a possible compensation and punishment for the intentionally committed offenses by the Defendant (1)(2).

Single page Data sheet for Labor Certification Process Attachment:_02_ is elaborating Employer's Information in Picture#01 >>

Attachment#02, Picture#01

DATA SHEET FOR LABOR-CERTIFICATION PROCESS	
EMPLOYER INFORMATION	
LEGAL NAME OF EMPLOYER	FUSHER, INC.
EMPLOYER'S FEDERAL TAX ID NUMBER	
EMPLOYER'S ADDRESS	749 ALBRIGHT ROAD, ROCK HILL, SC 29730 USA
TELEPHONE NUMBER	803-327-1160
YEAR OF ESTABLISHMENT	
CURRENT # OF EMPLOYEES	
NAME, TITLE & EMAIL ADDRESS OF PERSON WHO WILL SIGN ON BEHALF OF COMPANY	RAJESH HASSANI, PRESIDENT RJSHASSANI@FUSHER.COM
FAX NUMBER OR EMAIL ADDRESS TO BE USED IN NEWSPAPER ADVERTISEMENTS	
WORK LOCATION, IF DIFFERENT FROM COMPANY'S ADDRESS	
JOB TITLE OF THE BENEFICIARY	ACCOUNT ANALYST BUSINESS DEVELOPMENT ANALYST
JOB DESCRIPTION OF THE BENEFICIARY	

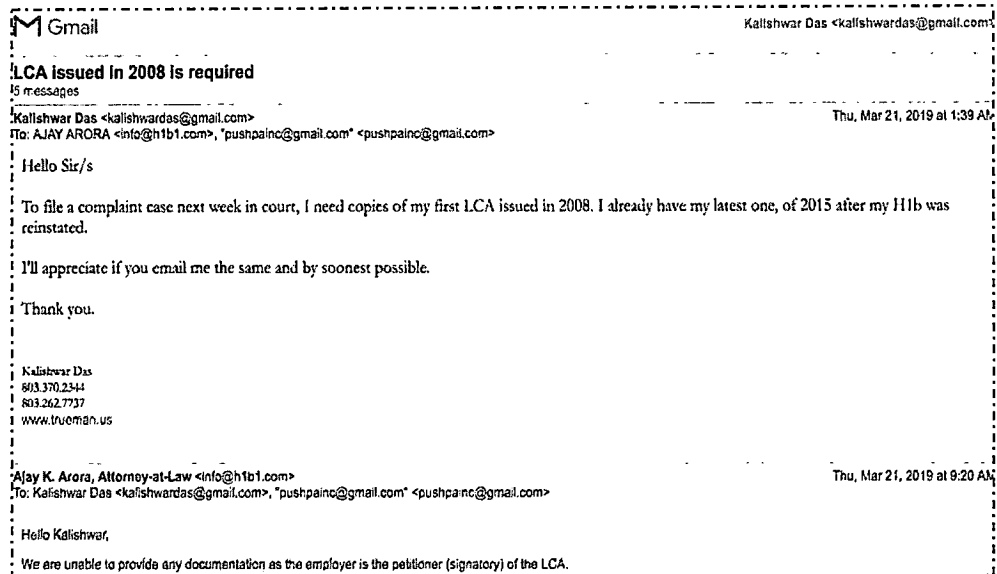
The sequence of Events:

Defendant (1) Mr. Rajesh Hassani was abusing his authority upon his compelled H1b employee with his terrible family situation, the Plaintiff, by putting him in low profile job for most extended possible hours from open at 10am to close at 9pm for six days a week in an inhumane condition of work, without overtime payment or a contract of doing so, in an absolute violation of Plaintiff's LCA that governed his valid H1b work and tenure.


Copy of this LCA is missing in Plaintiff's archived emails but should be in the record with Defendant and Plaintiff's Attorney Mr. Ajay Arora. On the issue of demanding the copy of LCA, issued in 2008 to file with this complaint case, Attorney Mr. Arora, declined the request, stating: Rajesh Hassani's Defendant (1) opposition for doing so or his direction of not providing this to Plaintiff, as replied

through email. It is therefore, the last LCA of 2015 is attached which appears to be the same. Mr. Ajay Arora's recent email conversation is the proof, in the attached hard copy of all pages and as in picture_02_ below:

Picture# _02_ Attachment# _03_ Total_No._of_Page_02_



Picture# _03_ Attachment# _04_ Total_No._of_Page_12_

OMB Approval: 1205-0310 Expiration Date: 05/31/2016	Labor Condition Application for Nonimmigrant Workers ETA Form 9035 & 9035E U.S. Department of Labor	
Electronic Filing of Labor Condition Applications For The H-1B Nonimmigrant Visa Program		
<p>This Department of Labor, Employment and Training Administration (ETA), electronic filing system enables an employer to file a Labor Condition Application (LCA) and obtain certification of the LCA. This Form must be submitted by the employer or by someone authorized to act on behalf of the employer.</p> <p>A) I understand and agree that, upon my receipt of ETA's certification of the LCA by electronic response to my submission, I must take the following actions at the specified times and circumstances:</p> <ul style="list-style-type: none"> • print and sign a hardcopy of the electronically filed and certified LCA. • maintain a signed hardcopy of this LCA in my public access files. • submit a signed hardcopy of the LCA to the United States Citizenship and Immigration Services (USCIS) in support of the I-129, on the date of submission of the I-129. • provide a signed hardcopy of this LCA to each H-1B nonimmigrant who is employed pursuant to the LCA. <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>B) I understand and agree that, by filing the LCA electronically, I attest that all of the statements in the LCA are true and accurate and that I am undertaking all the obligations that are set out in the LCA (Form ETA 9035E) and the accompanying instructions (Form ETA 9035CP).</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>C) I hereby choose one of the following options, with regard to the accompanying instructions:</p> <p><input type="checkbox"/> I choose to have the Form ETA 9035CP electronically attached to the certified LCA, and to be bound by the LCA obligations as explained in this form.</p> <p><input checked="" type="checkbox"/> I choose not to have the Form ETA 9035CP electronically attached to the certified LCA, but I have read the instructions and I understand that I am bound by the LCA obligations as explained in this form.</p>		

Since long hours of work was adversely affecting Plaintiff's physically challenged wife home who was unable to take care of her children properly, so, he, the Plaintiff, opposed to continuing working long hours for six days a week and also in replacement of local workers illegally. H1b visa requirement on this was mandatory that no alien worker like Plaintiff, must be hired to replace local workers, but the Defendants (1&2) widely violated this rule and this issue escalated.

The Defendant, at first, amicably explained the reason of doing so by winning the trust of Plaintiff stating that -he believed none of the local workers were as qualified as Plaintiff, as he is specially

trained through J1 visa⁴ tenure for help, uplifting this business (as it had grown to 30+ locations with dozens of new jobs in four states), and handle its growth secrets and this is why he prefers not to hire local workers at headquarters. On replicating its severe negative consequence arising on Plaintiff's wife and children, Defendant promised to find someone suitable by soonest to take over his extra charges to start permitting him to go home on time, and until then he, the Plaintiff, must keep working like it was his personal work and affair. Defendant suggested to bring his wife at work with him but it was not practical to stay 10-11 hours by leaving little boys alone home after school so after some visits he stopped her bringing also because Defendant didn't allow Plaintiff to take 10 minutes off to drop her back home in the afternoon. But even after a long time, the Defendant didn't depute or hire anybody for the long term, kept deputing all new hires in the distant locations or got rid of them.

Meantime, Plaintiff's family in the apartment was facing a day-to-day risk and fall in health due to Plaintiff extremely late return home. His physically disable wife was unable to cook now as she was doing before or serve even the lunch properly. Every night, boys at their six and eight years of age, were found so often, fallen

⁴ Plaintiff came through AISEC sponsored Trainee J1 Visa, to work for the Defendant company in 2006 and left the US on time after completion of this visa tenure. This training is evaluated as equal to MBA degree in the US so with his Graduate degree of 1989, worked well to get approved for H1b in 2008.

asleep on the carpet, starving helplessly, in wait of their father, the Plaintiff, to come, cook and feed them. Every night they went to bed between 11-12pm to awake after incomplete sleep every morning so in school, they so often fell asleep instead of paying attention to study. Almost every week complaint from the school for arriving late, absence, falling asleep, poor score and declining health were not a simple reporting to be corrected, but at least two times, Plaintiff was summoned to appear in the family court to explain his family situation and possible solution. Luckily, humble School Teachers and the Principal came forward to help the Plaintiff to save him from explaining in the court instead.

Defendant was well aware of all these developments, but he brought no change in time and type of his whirling business by ignoring Plaintiff tough time. Due to Plaintiff's long absence from home, six days in a week, his physically disabled wife, slowly started developing with the symptom of 'Borderline Personality Disorder,' BPD⁵, with a tendency of quick anger and unpredictable reaction on anything she disliked or liked and later, started wetting her cloth regularly. Outwardly, she is suffering now from the symptom of Schizophrenia⁶. The exact cause of schizophrenia isn't

⁵ BPD, is a state of emotional instability which is known, as in the terms of "Borderline Personality Disorder" and which develops in any age or sex due to loneliness, repeated same taste food, irritating action of others and unwanted sounds, unresolved annoyances and anxieties.

⁶ **Schizophrenia** is a chronic and severe mental disorder that affects how a person thinks, feels, and behaves. People with **schizophrenia** may seem like they have lost touch with reality. Although **schizophrenia** is not as common as other mental disorders, the symptoms can be very disabling.

known, but a combination of environment, and altered brain chemistry and structure may play a role.

"Schizophrenia is characterized by thoughts or experiences that seem out of touch with reality, disorganized speech or behavior, and decreased participation in daily activities. A difficulty with concentration and memory may also be present. Treatment is usually life-long and often involves a combination of medications, psychotherapy, and coordinated specialty care services."

She, Vibha Devi Das (34 when she came to the US in 2008), the Plaintiff's wife, because of slowly losing communication with her English speaking sons now, after they return home every day at 2:30 PM and were forgetting fast their mother-tongue Hindi; and in waiting another seven to eight hours for Plaintiff return home from work, started behaving strange. Anger, stubborn behavior and long silence of her were not enough signs yet for Plaintiff to understand her falling mental condition, until she started drawing random lines, weird figures with no meaning and started wetting cloths regularly. Plaintiff confidentially told about this new development of her to Defendant Rajesh Hassani and requested him to let him be with her more to understand her better and cure her stress but the Defendant Mr. Hassani rudely refused the request and warned instead that if he, the Plaintiff, takes even a day off, he will lose the salary of two days to compensate the loss of sale to company because of his absence, the Plaintiff.

In such pressure, and the need to run his livelihood anyway, Plaintiff was trying his best to keep his wife always happy and family safe while, due to merciless behavior of Rajesh Hassani, the Defendant (1), he also started planning to move back to India to save her, so the family.

Meanwhile, she, the Plaintiff's wife kept falling in her age back to start behaving like an unstable child now. After Plaintiff recently lost job with Defendant (1) he started giving more time to get her properly treated and due to this, a little sign of recovery has signaled the hope despite her Psychiatric Dr. Mihir Shah still believes that she will probably never be able to recover to her normal mental state during the rest of her life due to this immeasurable mental stress and loss.

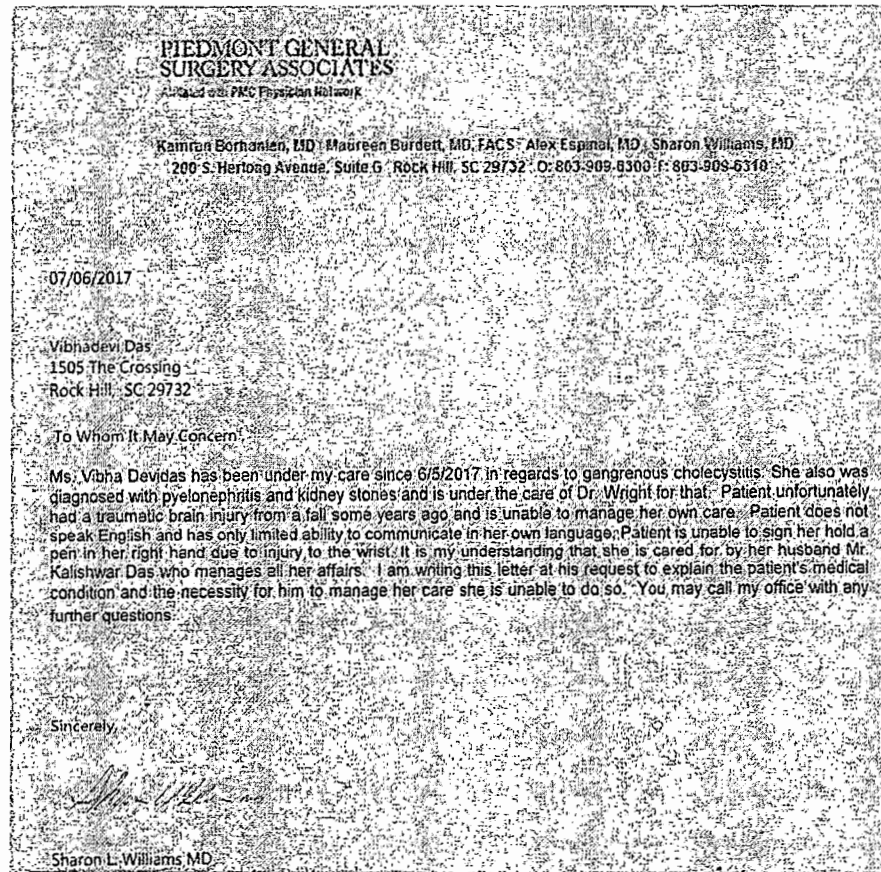
Until one of Plaintiff's friend Attorney explained to him he didn't know the South Carolina code of laws that may procure his legal position with the nondiscriminatory provisions provided for all through the Constitution of the United States, that defines such type or nature of harm by others to lose life-partner or companion is a punishable crime. Plaintiff bleeding in remorse of being ignorant on her but want to ascertain the real culprits behind this heinous crime of ignoring an innocent human life, either for livelihood by the poor Plaintiff himself or for the benefit of business by the wealthy Defendant Rajesh Hassani; whosoever is proven more responsible, must be punished severely by law. This topic

should be uniquely discussed to ascertain the weight of crime committed in lieu of negligence, that caused her this severe mental loss with Plaintiff alone or the negligence, because of Defendant's (1), oppressive imposition of late hours duty on Plaintiff; whatever the reason it could be, is one of the main cause that motivated Plaintiff to bring this suit against the Defendants (1&2). As evident, he was abandoned illegally by the Defendant in fear of losing livelihood, was lured to become US citizen, misinformed about the available legal provisions to the legal immigrants, compelled to work to survive and was oppressed by harshest way to lose strength and control over the situation until the climax when this issue escalated in a unwanted manner. Plaintiff's repeated request to Defendants to follow the LCA guidelines on legal hours of work was aimed to face this situation of her, which was always denied, most of the time with insults and public humiliations and later was insanely used as the tool to blackmail him, penetrating the injury deeper upon his innocent wife for enhancing personal benefit of Defendant Mr. Hassani, in businesses.

Plaintiff's wife Mrs. Vibha Devi Das was in sound mental condition despite she got head injury when she fell from height in 2006 in India but it didn't affect her mental ability which she lost after encountering serene social and familial disconnection with the Plaintiff. A graduate of 1995 in Sociology, she was teaching MS-DOS in primary school in her hometown until she got married to

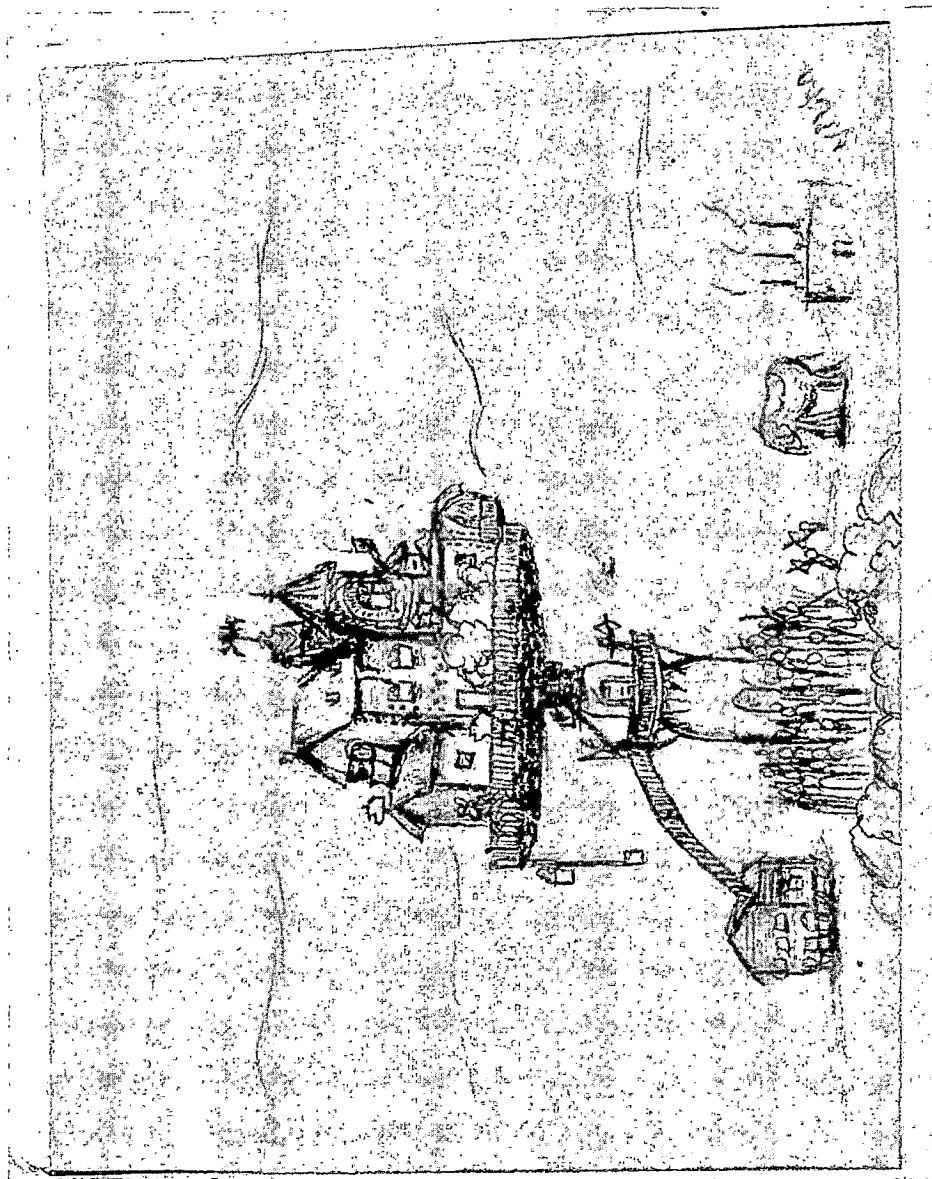
Plaintiff in 2001. Her second son born in 2003 and after Plaintiff visited to the United States first time alone in 2005, she took care of her children alone until she accidentally fell from height in 2006 and as the result she got some head injury and her wrist got dislocated. Doctor placed a steel plate by surgery. Two years later, she successfully passed her visa interview in September 2008, traveled well to the United States same month with family and after arriving here, started taking care of her new life with joy of new life. She liked watching Hindi movies and reading family drama stories and novels. Hindi novels, she missed a lot because Plaintiff failed to arrange them for her in America. Her another hobby, the painting soon replaced her main taste which she began nurturing once again with mere pencil and paper while waiting alone, for boys to come back from school and then for the Plaintiff by late night. The first year of her went normal, but after that, a little sign of loss of concentration in painting, started with some meaningless sketching which even she failed to explain what they were in fact. Nowadays, traumatized due to a decade long loneliness she suffered in America, she is out of her control and old talent. She cannot take care of herself and for everything she is depending on children and the Plaintiff. From brushing teeth to shower and change of cloth with 24/7 use of diaper, Plaintiff is the only person for her to serve like his third child. Plaintiff's married life has been ruined because of her severe health condition.

Statement of her Doctor Sharon Williams, MD clarifies her condition in 2017; Attachment:_05_ as in this picture_04_.

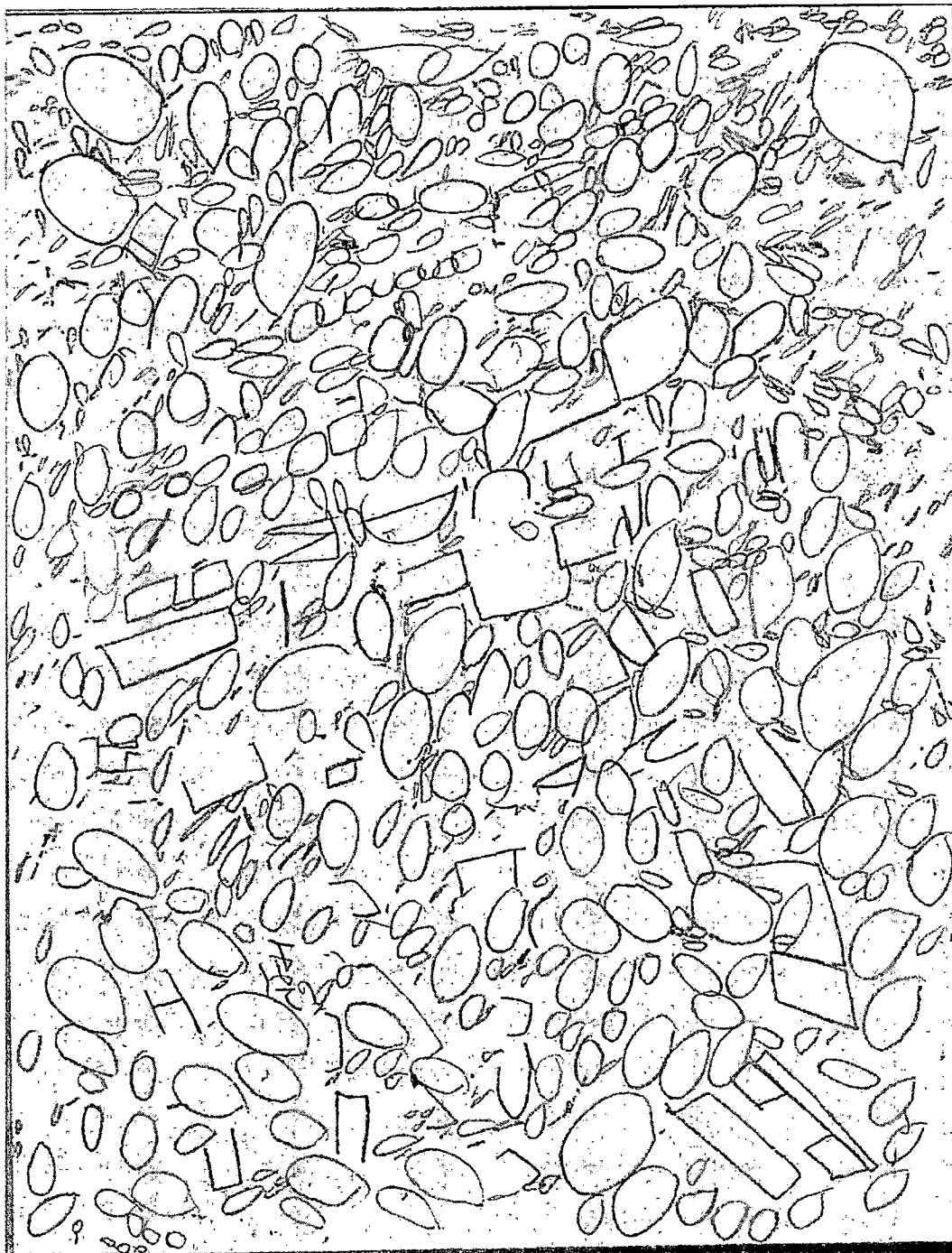


In attached four sketch-work of her, show this developing loss of her artistic stream very clearly where, the first two works are a set of classic work while the last two are proofs of her lost talent. Useless to represent more like third and fourth here, which she does all the time nowadays and can be put on demonstration on demand of court anywhere where she can sit with a piece of paper and pencil.

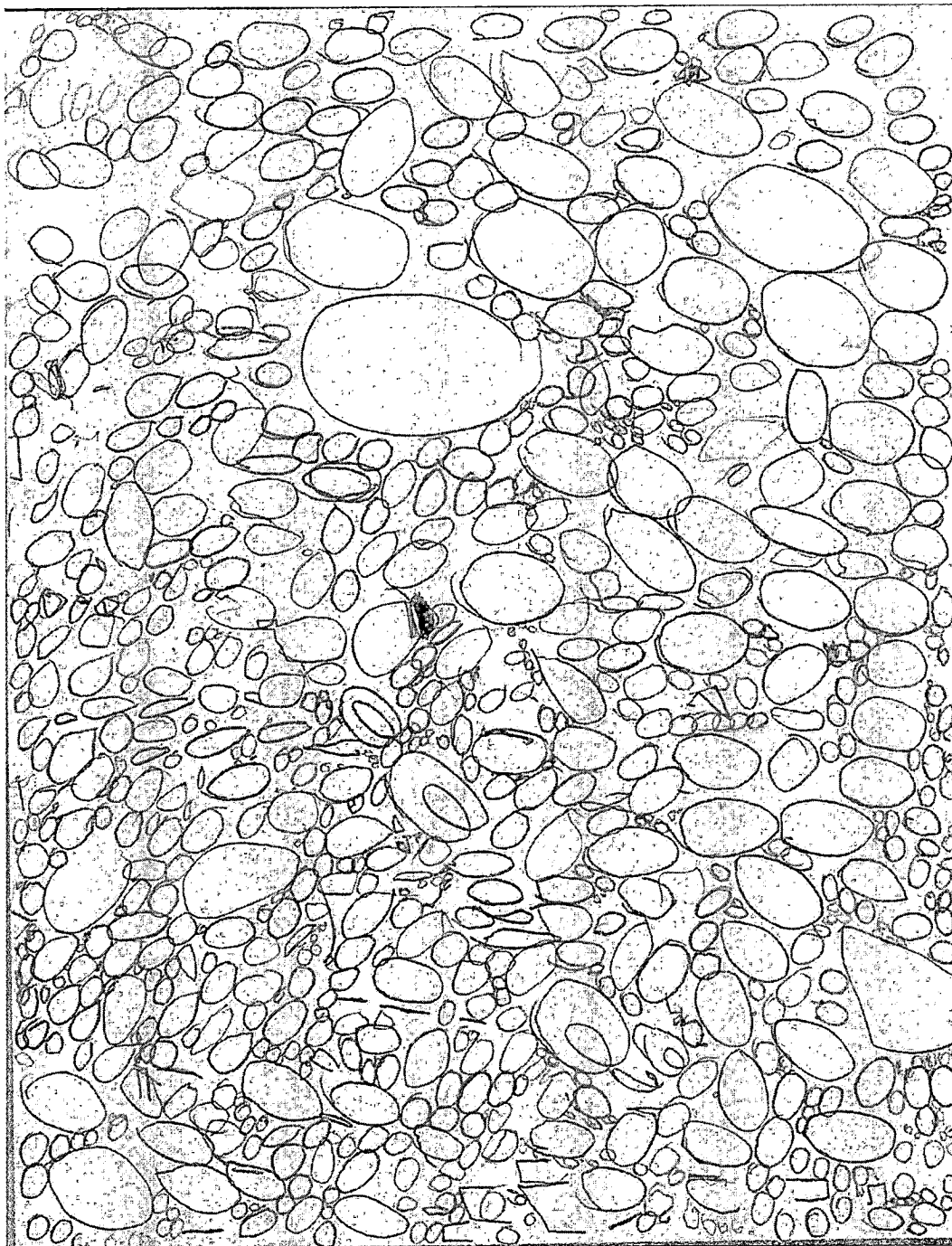
Preserved artwork of Plaintiff's wife Vibha Devi Das in year 2009 at home simply with pencil and ordinary paper, Picture_05_ Attachment#06.



Her meaningless sketches nowadays, Picture_06_Attachment#07



Her meaningless sketches nowadays, Picture_07_ This Attachment is on
reverse side of Attachment#07.



Picture_08_Attachment#08, Plaintiff's wife VIBHA DEVI DAS in 2009 while visiting Plaintiff's workplace, Pushpa Inc. headquarters in Rock Hill.



In the picture above (VIBHA DEVI DAS), which was snapped on her in 2009 at Plaintiff's workplace where she visited sometime to avoid staying home alone, her smile is the proof of her good mental health. Her current look and deteriorated condition could be seen in court, if required to appear.

Plaintiff did not notice her collapsing mental condition on time because he, most of the time, was out for work, was coming home exhausted and extremely late, to cook and feed every night and morning by himself, he got no chance to interact seriously with his wife who was rapidly falling in condition. This sign started worsening after 2011 with wetting cloth and waste of paper by her every week. A set of pages above containing her old and latest sketches clearly shows how she deteriorated in these ten years from what she was before.

Her communication was fleeing with her, very less talk and sleepless night. Very soon she started talking to herself and keep making mysterious figures, lines, and circles. Plaintiff didn't realize that she had lost her ability to write her name even until in 2016 he tried to get her signature on her passport document, which she did with a great effort and time. Plaintiff was reporting all this to Defendant regularly with the request to let him stop working on Saturday and making him go home on time to enjoy some family fun with her so that she can start recovering but the Defendant, mercilessly kept refusing with the threat to cut his double salary or end his legal status if he does so.

Defendant, instead of accepting his demand, kept lying, luring and then threatening, soon with insulting derogatory words, conduct and dialect followed by several truncations of salary of the day only

because Plaintiff urgently rushed home or school to take care of his family in trouble for 30-40 minutes, all to let Plaintiff lose his stand and strength to follow the illegality anyhow at his loss but for the enhanced sale benefit of the company, the Defendant.

In such an unaffordable situation, Plaintiff finally decided to quit and move back to India after he saves enough money to buy the air-tickets, but once Plaintiff mistakenly declared his intention, Defendant started making the ground of blackmailing him by making sure he, the Plaintiff, fails to save money for the tickets. And for doing so, the promised increment of \$500 was reduced to \$100 only from the following years and that also stopped in 2014. Now on finding Plaintiff helpless and with inadequate saving but still requesting to limit hours of work and for putting him in right work portfolio, Defendant started harassing him severely by publicly⁷ humiliating for anything that would have amused him on seeing him pleading, on every possible occasion, in front of customers, guests, vendors and in front of his family members by slanderously using his name, dialect, his inability to pronounce letter 'S', his look, dress, habit and quite exorbitantly, for being an ardent Hindu despite, he, the Defendant (1) himself belonged to a Pakistani Hindu migrant family settled in India since 1947. Defendant very rudely with a lot of derogatory racial words and

⁷ 'Publicly', means here, in front of customers or other employees, vendors, and Defendant's family members; not interfering thereto.

demeaning the name of the Plaintiff by insulting his faith⁸, started threatening him to see his power as the instant consequence of losing the job, house, immigration and all source of income as if he, the Plaintiff, disagree to work out of his legal job profile.

Plaintiff's first name derives to the name of Hindu Goddess 'Kali' which in words means: 'Kali'=Black, -i-shwar=God or Godly and his last name 'Das' meant 'Slave' or servant (-to god). The defendant (1), to demean the entire form, misaligned the words as 'Kali-Sur-Das' instead of Kalishwar Das, to let others know the Plaintiff as Kali=Black, Sur=Blind Das=Slave as fun by humiliating Plaintiff sentiment and by hurting his holy faith and to downgrade and break Plaintiff's self-confidence and strength despite, Plaintiff was popularly known among customers with his nick name as 'Harry,' and there was no need of defragmenting his name, which demeaned his name among many customers, not like a topic of fun only but with deep insults. He stopped doing so only after he saw the Plaintiff's crying with tears on getting publicly humiliated with his name once and also because at least one of the customer warned of legal consequence to the Defendant Mr. Rajesh Hassani for this slanderous behavior on him, the Plaintiff.

⁸ Faith is, as described in English dictionary: strong belief in God or in the doctrines of a religion, based on spiritual apprehension rather than proof. Plaintiff belongs to a Hindu family of North India and normally maintains his faith on traditional Hinduism in action, words and with some sort of restrictions in food system.

According to him, using the scolding tricks were the helpful tool to scare of his powerful authority, to managers in the distant malls in different states. According to him, it also helped him to scare the unsatisfied customers for stopping them from committing any violent act in retaliation of his strict 'no-refund' policy and also to secure late night operation in an open market complex located in the poor crime prone hood area, still developing.

Numerous times, stealing, robbery and call of the police happened due to customer dispute on company policy and almost every time he blamed to Plaintiff for abiding by the law instead of abiding by the strict company policy. After every moment like this, his punishment turned worse by imposing penalties on Plaintiff because he preferred to go with law or customers instead of company policy to avoid his risk.

Defendant used Plaintiff's popular social image as a freaked but the loyal helpless person who should be blamed and punished for every lapse, by the company owner, the defendant (1), as if, his customers are not maintaining a friendly gesture with him, with or even without a loss for the company. And for this, Defendant (1) used to call to a particular section of society as a thief, fool, rude and criminal, to be dealt scrupulously, which Plaintiff proved wrong in years with a great relationship with the same community he, the Defendant (1) always referred to. Defendant liked these

relationships very much but disliked getting opposed by the customers when cursing and using ugly language on Plaintiff.

Several times Plaintiff fell exhausted with breathing problem and chest pain, got hurt at work, muscle and back pain because of heavy lifting and moving works without help which Defendant always took granted of him and never showed mercy or provided him with any medical treatment.

Plaintiff was left stressed and fatigued to help his family properly on returning home late every night, and that was adversely affecting his ailing wife and children's health and education. With reheated frozen food every night, poorly prepared morning breakfast for the outgoing children, no healthcare, no chance to stay in touch with family in India, with zero chance of parent's conference with school teachers, Plaintiff never knew the actual scene and situation of his children's education and life outside. During his more than nine years of H1b tenure as of 2017, he got only one-time favor from Defendant to let Plaintiff's children see a big city like Atlanta but by losing salary of those days too.

Even when the Plaintiff's wife was hospitalized in 2017 for her Gall Bladder and Kidney stone removal, and he was required by the hospital to stay with her, Defendant cut his salary for 33 days for his discrete absence. Defendant disallowed any medical leave or Medicaid legally to the Plaintiff for his own treatment and cut his

salary even when he was under treatment after getting hurt by Defendant (1) on November 1, 2017 and that ere too, provided with wrong numbers of absent days under computation for overtime wages to the USDOL, Defendant (3) and without verifying them, got adopted.

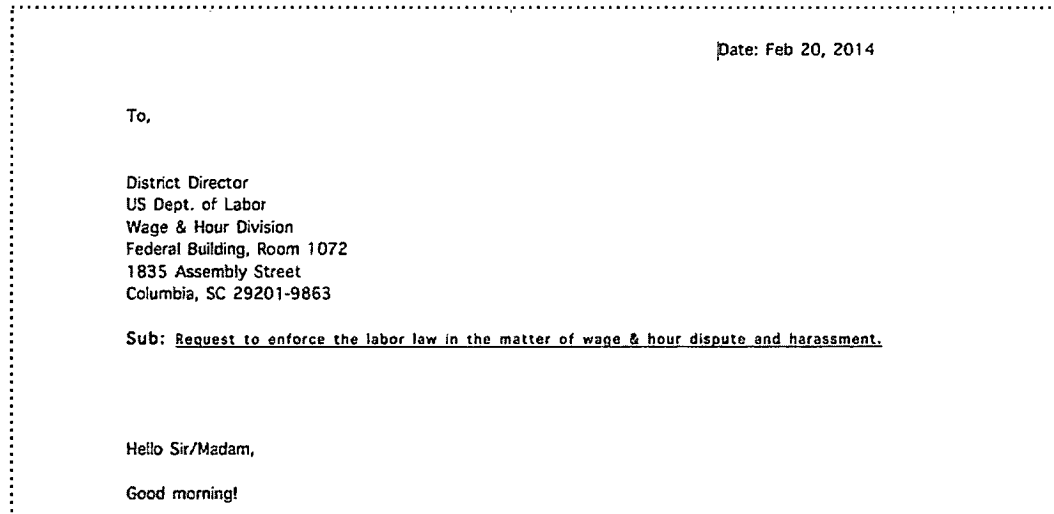
Plaintiff was breaking slowly on thinking about his hapless situation and was seriously trying to find an available legal solution of it without hurting his innocent family and immigration status now. One possible solution was to find another employer, which he started searching but before anything would have taken place, Defendant's public humiliation on him with threat to 'slap' and with a lot of curse words for a mere reason of showing less interest in the last and late night sale, broke his patience to lose job.

It was 9:25 pm, Saturday of month February 2014 when he first time returned the key to the Defendant Rajesh Hassani and walked out of the premise. He decided to report to the USDOL and return to India instead of keeping finding another employer.

He composed the complaint and visited in person to discuss the incident with USDOL officials in Columbia on Monday. The USDOL officers convinced him for bringing Defendant under their strict vigilance for moral conduct and legality but only if, Plaintiff decides to stay in the job. On learning this fact, Plaintiff rejoined the work, with a hope of changes in hours of work, type of work, and

moreover the changes in employer's, the Defendant's behavior for a better tomorrow as promised by USDOL officers.

Screenshot of this scanned letter is shown below is
Picture_09_Attachment#_09;_Total_Page_02_



Probably Defendant (1&2) got strict instructions from USDOL, which he took differently, as his insult, and reacted on it silently with an extended plan of action against Plaintiff without showing any sign of retaliatory anger, until he stepped up for a final moment to execute it.

He, the Defendant, hatched the coarsest conspiracy to be executed slowly in serene steps. As the step first he started behaving well, step two, -repeatedly kept apologizing for the misbehavior, three, -extended his H1b visa, the fourth, -raised salary to buy his home which the Defendant already had put on sale, and as the final step, -by suddenly calling Police on him to

arrest him with a false charge of stealing so that he, the Plaintiff, could lose everything instantly. All this happened quickly within a span of only 10-15 months.

But his plan got busted. USDOL officers had suggested the Plaintiff stay alert and always ready, and that really worked.

On September 14th, 2015 when Defendant (1) by falsely blaming him of stealing sales money, called Police on him to arrest him. Plaintiff proved the allegation⁹ wrong with the sales record on the spot and escaped the charge. The Police team of two, asked if the Plaintiff wanted to press charge on him instead, the Defendant, for falsely implicating him, the Plaintiff, which the Plaintiff humbly refused by calling this unfortunate incident, -a case of confusion, which was really, not a confusion of Defendant but a wrongly played conspiracy, which the Plaintiff was unaware of its reality yet but was on alert which Defendant had never realized.

The following pictures #10 and #11 on next page, Attachment 11, is the CFS Command Log copy obtained from the Rock Hill Police Department Office record which is hiding some vital names on it but it clearly show other details to verify the above said truth.

⁹ According to Merriam Webster's Thesaurus an allegation or claim is, 'to state as fact usually forcefully' - which could be a crime under SECTION §8-27-20 of the SC Code Chapter 27.

Attachment#10, Pictures #10 and #11



CFS - Command Log

Printed on March 26, 2019

CFS # 2015011545
 Call Taker [REDACTED]
 Location 749 ALBRIGHT RD, ROCK HILL, SC 29730
 Location Details Pushpa Discount Store
 Primary Incident Code LARC : Larceny
 Mod Investigation
 Priority 2
 Use Caution No
 Primary Disposition No Report
 Beat RH05
 Call Time 09/14/15 11:34:55
 Completed Time 09/14/15 12:03:09

Reporters

Sex [REDACTED]
 DOB [REDACTED]
 Address [REDACTED]
 Report Time 09/14/15 11:34:55
 How Reported 911
 From Phone [REDACTED]
 Contact Phone [REDACTED]
 Comments [REDACTED]

Other Names

Vehicles

Responders

Murphy, Ray RHPD
 Little, William RHPD

Response Times

Assigned 09/14/15 11:36:45
 Enroute 09/14/15 11:37:15
 Arrived 09/14/15 11:41:42
 Completed 09/14/15 12:03:09

IR / External Agency Numbers

Made by ZUERCHER

Page 1 of 2

Command Log

09/14/15 11:34:55 New CFS
 09/14/15 11:36:04 Comp states his store manager stole from him
 09/14/15 11:36:12 at parties on scene
 09/14/15 11:36:45 Assign
 09/14/15 11:37:15 Enroute
 09/14/15 11:37:34 Enroute
 09/14/15 11:37:39 Store manager name: [REDACTED]
 09/14/15 11:41:42 On Scene
 09/14/15 11:44:45 On Scene
 09/14/15 11:53:26 Check Status - units 10-4
 09/14/15 12:03:09 Complete

Everything seemingly turned normal after Defendant again apologized and stated his thankfulness for not pressing charge on him; but three days later, Plaintiff received his termination letter in mail with Defendant's signature on it, mailed from the same location, where Defendant was with him an hour ago where Defendant had taken the key back from him saying, he is coming 'early' tomorrow for some urgent reason, and he had just returned from, after working 10 hectic hours at 9 pm as he usually was deputed to work. Defendant (1) already had noticed to USCIS about this termination of Plaintiff from the job with no specified reason or prior information given to Plaintiff, even while Plaintiff was working without furthering this unexpected publicly-legally recorded embarrassment.

A letter of illegal termination sent to Plaintiff at his home address, confirmed the Defendant's destructive action, suggesting Plaintiff to leave the country within ten days by company provided airfare (ticket was not attached) and by arranging to purchase the ticket for the family by Plaintiff himself. Plaintiff went to meet Defendant (1) and pleaded to stop this destructive process as he was not ready to face it. An illegal immigrant from Pakistan had replaced him bearing his nickname: 'Harry', now and in front of him, Plaintiff got another humiliation and was asked to leave. On leaving him finally, Plaintiff opened his mouth first time, to acquaint him of the

possible consequence, if he, the Plaintiff, falls because of his illegal loss of a job in his immoral retaliation.

Plaintiff was still trying to save money to buy air tickets for the family and even after adding his last paycheck it was not enough yet. Putting his 8 months old home on sale was impossible within a week or less now left in hand, with other things to get rid of, and also because His wife's health had further deteriorated, and she was unable to travel so, first time, Plaintiff used a hard line on him in word to save himself and his family that:

'He will leave the country only after reporting to FBI and DHS for hiring and sheltering illegal immigrants, I'll not leave you to stay free of its out comes', and he, the Plaintiff, left.

It was a high time for Plaintiff to jump into a rescue mission as he was unable to buy tickets and also because his disabled wife was unable to travel. Mortgage, bills and all his new life strategies and dreams were going to collapse if he wouldn't have done something really effective on time. All the doors were closed, and the Plaintiff was determined for not turning out of status at all.

The only solution was to leave the country which he decided to do so but by passing through a legal reporting of abusing H1b to USCIS, for wrongly filed with fake documents and experiences for others, illegally processed Green Card, hiring & sheltering of illegal

immigrants of criminal background with many other immigration scams, tax stealing, money laundering, and for the crimes against the national security as requested to FBI for investigating to the Defendant. Currently Plaintiff is waiting to appear as the witness in support of other investigation agencies.

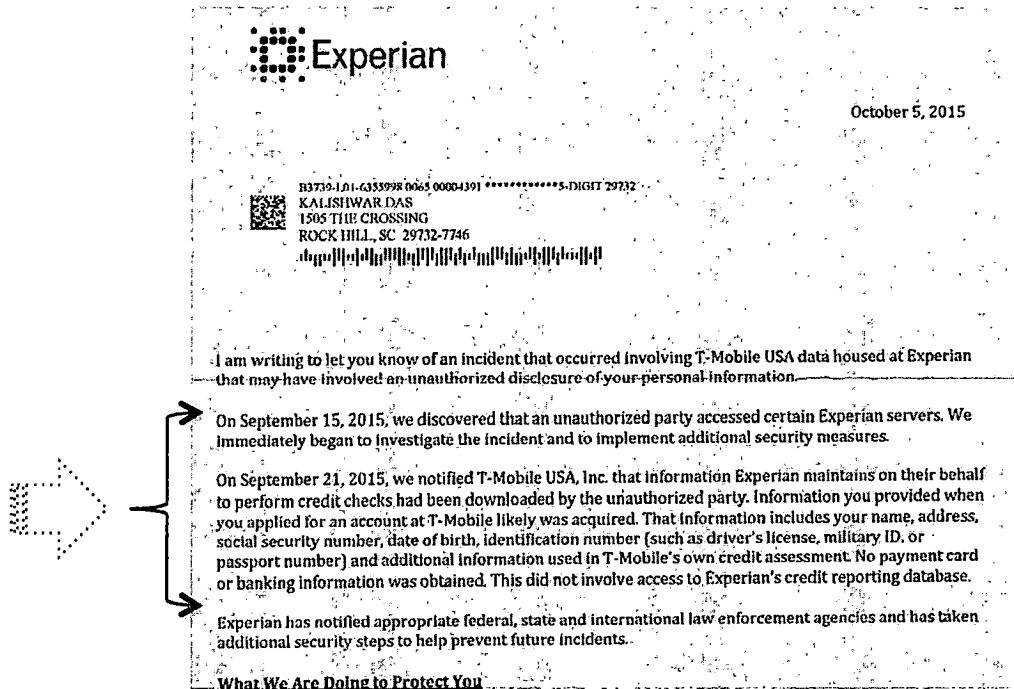
After returning home, Plaintiff started calling to his Attorney, once again to the USDOL, USCIS, Department of Justice, and to the other legal authorities and which included the South Carolina Governor's office as well. This trial was to ensure the safety of his family's immigration status if possible otherwise Plaintiff was ready to leave the country by selling his household stuff to collect money to buy air tickets. Teenager boys were panic now on learning about their dad's drastic decision after his boss, the Defendant (1) had flipped everything upside down of them, and they started crying unstoppably. When night passed nobody knew in immense tension even starving entire night. Wife also remained silent. The next morning, it was a real chaos, chaos in mind, chaos of losing personal stuff, chaos of pulling holy deities out from house, which an ardent Hindu family never does. Boys didn't go to school. They had lost appetite. Plaintiff wife was scared once again, silent and was stuck to her chair, sad and murmuring. Probably she was unable to understand the reason of this sudden chaos that had gripped her family since last night.

Plaintiff did not know that the Defendants (1), to stop getting reported by Plaintiff to the government agencies about his illegal activities, had obtained his phone call details from T-Mobile by providing them Plaintiff's social security number and other personal information, until credit monitoring company Experian wrote to Plaintiff about this {Attachment:_11_} incident months later. It appeared to be a similar incident that hit nationwide breach of T-Mobile customer's personal details, but in this case, call details were also accessed as confirmed by the supervisor of T-Mobile customer service. Screenshot of this scanned letter is shown immediately after this paragraph, and a hard copy of it is also attached. On learning through illegally obtained call details, to stop Plaintiff's move in reporting to the government agencies, Defendant (1) called to the Plaintiff on Sunday September 24th, offering him to unconditional reinstatement of his H1b visa only if, he did not report any government authority yet about the lapses or activities he was involved with.

Plaintiff told him the truth that he was about to do so, but he will not do anything as if he gets reinstated with no loss or expenses on him. Defendant instantly accepted this and first time at his expenses¹⁰, applied with USCIS for a fresh issue of H1b and which got approved on October 27, 2015.

¹⁰ For all previous extension and filing of H1b and Green Card expenses including Attorney fee were collected from the Plaintiff illegally as per USCIS ruling on this. Defendant as the sponsor never went

Picture# _12_ Attachment# _11_ Total_No._of_Page_01_



Because the rescue call was not answered well so, the Plaintiff had nothing better than this offer to stay legal, so he accepted the offer, and after the reinstatement went successful with USCIS, he returned to work on October 27, 2015. Defendants had a promise of not taking him granted to perform in the low profile job for long hours, instead of LCA declared job terms but for that he, the Defendant (1), still wanted some time.

Defendants (1&2) again wanted some time but actually he didn't do anything in a fare minded way, to find new workers through South Carolina employment website and to whom the training was to be provided by the Plaintiff as agreed. Defendants still had to

unpaid by the Plaintiff for such company expense. Some if not all, proofs could be obtained from the bank statements of Plaintiff, and falsely claimed tax record of Defendant as well.

regenerate his LCA work roster and work-file to report USCIS, which he never did neither he hired any local employees for the work the Plaintiff was doing alone.

Attachment#12 Picture_13_, Single Page is the last Notice of Action Form I-797 from USCIS, which expired on October 14, 2018.

Department of Homeland Security U.S. Citizenship and Immigration Services		I-797A, Notice of Action							
UNITED STATES OF AMERICA									
RECEIPT NUMBER EAC-16-013-52058		CASE TYPE I-129 PETITION FOR A NONIMMIGRANT WORKER							
RECEIPT DATE October 20, 2015	PRIORITY DATE	PETITIONER PUSHPA INC							
NOTICE DATE October 27, 2015	PAGE 1 of 2	BENEFICIARY A206-121-393 DAS, KALISHWAR							
AJAY KUMAR ARORA AJAY K. ARORA ATTORNEY-AT-LAW PC 1270 BROADWAY STE 510 NEW YORK NY 10001		Notice Type: Approval Notice Class: H1B Valid from 10/27/2015 to 10/14/2018 Consulate:							
<p>The above petition and extension of stay have been approved. The status of the named foreign worker(s) in this classification is valid as indicated above. The foreign worker(s) can work for the petitioner, but only as detailed in the petition and for the period authorized. Changes in employment or training may require you to file a new Form I-129 petition. Since this employment or training authorization stems from the filing of this petition, separate employment or training authorization documentation is not required. Please contact the IRS with any questions about tax withholding.</p> <p>The petitioner should keep the upper portion of this notice. The lower portion should be given to the worker. He, or she should keep the right part with his or her Form I-94, Arrival/Departure Record. The left part is for his or her records. A person granted an extension of stay who leaves the U.S. must normally obtain a new visa before returning. The left part can be used in applying for the new visa. If a visa is not required, he or she should present it, along with any other required documentation, when applying for reentry in this new classification at a port of entry or pre-flight inspection station. The petitioner may also file Form I-529, Application for Action on an Approved Application, to request that he notify a consulate, port of entry, or pre-flight inspection station of this approval.</p> <p>The approval of this visa petition does not in itself grant an immigration status and does not guarantee that the alien beneficiary will subsequently be found to be eligible for a visa, for admission to the United States, or for an extension, change, or adjustment of status.</p> <p>THIS FORM IS NOT A VISA AND MAY NOT BE USED IN PLACE OF A VISA.</p> <p>The Small Business Regulatory Enforcement and Fairness Act established the Office of the National Ombudsman (ONO).</p>									
<p>Please see the additional information on the back. You will be notified separately about any other cases you filed.</p> <p>VERMONT SERVICE CENTER 75 LOWER WELDEN STREET SAINT ALBANS VT 05479-0001 Customer Service Telephone: (800) 375-5283 Form I-797A (Rev. 10/31/05)N</p>									
PLEASE TEAR OFF FORM 1/44 PRINTED BELOW, AND STAPLE TO ORIGINAL LHM IF AVAILABLE									
<p>Detach This Half for Personal Records</p> <p>Receipt# EAC-16-013-52058 I-94# 410913398 11 NAME DAS, KALISHWAR CLASS H1B</p> <p>VALID FROM 10/27/2015 UNTIL 10/14/2018</p> <p>PETITIONER: PUSHPA INC 749 ALBRIGHT ROAD ROCK HILL SC 29730</p>		<p>410913398 11</p> <p>Receipt Number EAC-16-013-52058 United States Citizenship and Immigration Services</p> <p>I-94 Departure Record Petitioner: PUSHPA INC</p> <table border="1"> <tr> <td>14. Family Name DAS</td> <td>15. First (Given) Name KALISHWAR</td> <td>16. Date of Birth 12/30/1968</td> </tr> <tr> <td colspan="3">17. Country of Citizenship INDIA</td> </tr> </table>		14. Family Name DAS	15. First (Given) Name KALISHWAR	16. Date of Birth 12/30/1968	17. Country of Citizenship INDIA		
14. Family Name DAS	15. First (Given) Name KALISHWAR	16. Date of Birth 12/30/1968							
17. Country of Citizenship INDIA									
Form I-797A (Rev. 10/31/05) N									

Now with more tangible proofs of the wife's deteriorated mental health, Plaintiff requested to set a time format so that he could be able to do his job by comfortably handling wife's issue. Defendant once again put his request on hold by promising to hire new suitable workers to replace Plaintiff which he never did indeed as some local workers became ready to work but on the matter of paying only minimum wage in a 14000sqft huge and decaying warehouse of old Bio-Lo building, they later refused to continue, or they never returned after one or two days of work. Plaintiff requested to Defendant for making new hires stay, increase the wage, and pay for overtime, and provide the proper safety accessories and tools but Defendant refused to do so.

This dispute of hours of work culminated finally after two years on November 1, 2017, when Defendant (1) in effect of last night hangover slammed his fist in anger of getting asked on office intercom by Plaintiff, about rescheduling his hourly duty and about the promised roster, and on getting denied once again by the Defendant, Plaintiff refused to work in decaying warehouse in place of those local workers who were sent back home after get paid in cash, and other regular office workers were put at work instead until Plaintiff finishes his lunch. Defendant Rajesh Hassani on this started screaming on intercom in his chamber and quite unexpectedly ran outside to attack Plaintiff and pushed him out of office premise with a lot of disrespectful words, and threats.

It was 2:30 pm and the Plaintiff was finishing his lunch when Rajesh Hassani by holding his hand forcefully pulled him out of his lunch table and started pushing hard to throw him out of office premise. He was holding the Plaintiff's right arm twisted in back and tight. Plaintiff tried to catch something nearby to save his fall, but he failed. Plaintiff's almost empty tiffin box fell on the ground. His right leg got stuck in the desk-leg, and his shoe fell off but Rajesh Hassani, Defendant-1, gave him no chance to get it on and kept flexing his full force to put him out of the 6800sqft business premise.

Mr. CSR Borra and Sanjay Lalwani were in the warehouse, but they ran back on hearing loud voices and found limping Plaintiff approaching door with one shoe. They ran back with Rajesh Hassani, Defendant-1 where he had found something to hit Plaintiff more severely and suddenly all of them screamed 'no no don't do that.' Plaintiff didn't see why they screamed but later as Sanjay Lalwani and Mr. CSR Borra told to Plaintiff, it was an iron rod, which Defendant had found in the back room, and he was going to hit with it to kill him, the Plaintiff, despite he was already wounded and weakened, and which they had stopped forcefully, by resisting Defendant Rajesh Hassani. They were asking him, the Defendant, about what happened and the defendant was loudly repeating: "I'll kill him, ..kill this **", the Plaintiff.

If proven, then under section §16-3-29 of SC Code, this should be the charge of attempt to murder case against Defendant (1), and it should be investigated and testified with Mr. Sanjay

Lalwani and Chandra Shekhar Rao Borra (i.e. CSR Borra) despite Plaintiff never believed that Defendant (1) would have turned so treacherous on him. Video recording of this incident can verify truth, which Sanjay Lalwani is said to have deleted by order of Defendant (1) but the IT experts can still retrieve it. Plaintiff can deposit the security amount as guaranteed payment in against of expenses incurring in laboratory test of the Hard drives, to lose, if found untrue or the same should be recovered from the Defendants (1&2). Plaintiff should have the picture of this 10TB storage Device ID and computer with specification, which was in use beside the computer own memory storage, to record all events for years. It was bought by using Defendant (1&2) company credit card either from Best Buy locally or from some online vendor; internal log history contents of which do not change automatically, if not done manually or tampered with, destroyed (by fire or in water or hammered) or made vanished so should be seized from the Defendant immediately.

{Concealing, helping to conceal the truth or use of obstructive tools to stop proving the truth in the Court, -is a punishable crime under federal act and SC Code Section §16-3-510, §16-3-520.}

In the next fifteen-twenty minutes, they, the colleagues kept helping Plaintiff restore by offering cold water to throw on face and to drink. Plaintiff restored some strength back but still he

was unable to walk fast. His leg and shoulder were severely twisted, and his entire body was shimmering, particularly the right leg. Everybody suggested him to leave the place immediately as he, the Defendant, according to them, was under the effect of a bad hangover of last night and they don't know what he still could do in anger. Defendant was still screaming with bad words on the Plaintiff from the back room, 60 feet away across two walls probably locked inside by the colleagues, which they never confirmed.

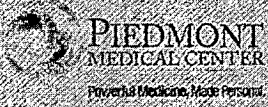
Plaintiff after getting his shoe back on, started walking slowly outside where landlord's people were painting parking lot and Plaintiff's car, therefore, was parked a little far away. On learning, the Plaintiff was limping, they came close to help, asked about the incident and finally, the Plaintiff came in his car. He was unable to drive immediately so started restoring his strength, called to the USDOL and reported about the incident, Ms. Rosa Fay on phone (on a recorded line) suggested to file the police case by soonest but the exhausted Plaintiff instead of doing so, thinking about losing job, disabled wife, children and money problem fell asleep, depressed in the car. He woke up with some sound outside, found himself little better then drove his car slowly back home. No colleagues came close to ask him anything. More than filing case against him, he was concerned about saving his

legal status first because Ms. Rosa Fay also had confirmed that if I press charge on him, he has right to fire him, to the Plaintiff, and then once again, the problem to leave country within ten days will be an added torture. Thinking so in pain and in the pain of extreme insult he fell asleep again home without saying anything to his boys, but in the late night pain started soaring, and when it went unaffordable, Plaintiff rushed to the nearest Emergency room at Piedmont Hospital where he was initially treated by the doctors with pain killers and was suggested complete bed rest, no lifting or throwing¹¹. The doctor also provided a protective shoulder band.

Plaintiff does not have a constant pain now but he, still cannot walk normally because of his twisted or dislocated right ankle which never holds his weight (reduced from 182lbs to 165lbs at 5'7") firmly and any thump walk aggravates thigh muscle to stretch abnormally with an unaffordable shooting pain for a few minutes. In the shopping malls like Wall Mart and other places he is compelled to use motor-ride or walks extremely slow to stay out of this unwarned breakdown. He would have been living well if he was treated well by the doctors but due to refusal of Defendant (1&2) to pay the medical bills and also due to lapse of his personal insurance in 2018, treatment got discontinued helplessly.

¹¹ The final medical report is still unavailable and will be provided once it is becomes available.

Attachment: _13_ as in the following Picture _14_ Doctor's statement
from Piedmont Medical Center on Plaintiff's revisit.



Date and Day of Visit: Tuesday, January 26
 Patient Name: Kallinur Das
 Out of Work/School: 3 day(s)
 Return to Work /School (DATE AND DAY OF WEEK): Monday, Jan 29
 Family member/caregiver Name: _____
 Follow up as directed with Referral MD for an extended work note or return to work statement, as per your discharge instructions. Our Physicians do not complete FMLA forms.
 RESTRICTIONS: _____ If any noted, you must follow up with your Referral MD to have it amended.
 NURSE _____ MD [Signature] MD
 PHONE 803.325.6370 NURSE NAVIGATOR
 ORIGINAL FOR PATIENT IS IN COLOR. SCANNED TO THE CHART AND WATERSEAL IS PRESENT.

It should be the change of mind of Plaintiff that he decided to take a risk of losing H1b status once again, by reporting the entire incident to the Police. Next day just before the Plaintiff got ready to call the police, Defendant (1) met personally with Plaintiff to apologize for his behavior referring or blaming to the wine and incomplete sleep last night, high blood pressure, work pressure; and promised to provide all possible help, paid leave and pleaded not to file any police case on him, -first time with tears of remorse and that once again changed the determination of Plaintiff to

report to the Police. But as usual, he didn't comply with his promise at all, started truncating the salary after giving him two days of salary without work instead, while Plaintiff was still under treatment or on bed rest, kept behaving politely. Plaintiff started going to work irregularly. Plaintiff's movement was slow and painful and he reported the incurred medical bill due on him to pay as promised or adjust with company provided worker's medical, Defendant refused to pay and finally from some day in early June 2018, Defendant Mr. Hassani, barred Plaintiff from continuing work despite the H1b tenure was ending on October 14, 2018.

Plaintiff discontinued treatment due to the unpaid medical bill by the Defendants (1&2) has worsened his ailing shoulder and right leg. Although he can lift his arm slowly, he still cannot throw or catch anything quickly from his right hand, and if he tries, he feels like his whole arm came off, and it hangs like a dead arm. In his right ankle, there is a constant pain and he cannot walk fast or can stand longer than a few minutes. There is undoubtedly something undetected yet that causes Plaintiff, feel like an unaffordable shooting pain, which started only after Defendant, Rajesh Hassani, assaulted him. Sanjay Lalwani confirmed with Plaintiff that he had deleted video recording with his order, but he had seen the entire incident by replaying it with no fault of him, the Plaintiff.

On assuming about his final stand of rejecting extension on time, Plaintiff again asked Defendant for his promised medical expenses to pay, which he denied saying with a sly smile:

"I'm not going to repeat this stupidity to get trapped my friend. Do whatever you can do by yourself or move back to India amid your family to help you better care. Medical over there is cheaper than here anyway."

"So, is he going to lose his H1b too?" Plaintiff asked to know about his plan of action on it, and he answered rudely with a cunning smile:

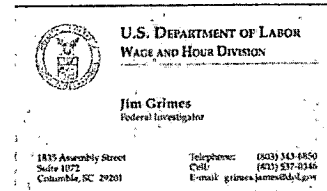
"You cannot continue it anyway if you remain sick or limping." Defendant answered him rudely.

Shocked Plaintiff returned home to prepare move back to India in frustration first but soon decided to report to the government authority first about his criminal activities which he had covered the most but many of them were still out and accessible. But before doing so, Plaintiff asked him for compensation which he rejected as usually. This rejection changed the entire course of action of Plaintiff and he decided to fight back for the justice instead.

Soon, instead of waiting for approval on his request for change of status with USCIS first, Plaintiff reported to DoJ, and on July 20, 2018, to FBI, requesting them to investigate some serious

security scams committed by him, the Defendant Rajesh Hassani personally, whether he, the Plaintiff's appearance was used as a mask to cover something unknown but dangerous to the national security since long.

Attachment_14_as in the picture_15_below is the same petition filed by the Plaintiff with USDOL on July 23, 2018.



To,
The Commissioner/Administrator
Department of Labor
Columbia, South Carolina.

Date: 07232018

Ref# In regard to my previous application for the dues settlement with my employer.

Dear Sir or Madam:

My name is Kalishwar Das and I'm working as the Business Analyst for Pushpa Inc. at 749 Albright Road, Rock Hill 29732 on my H1b speciality visa since October 1, 2008.

Three days later, on July 23, 2018, Plaintiff filed the petition with USDOL for the overtime wage claim, which USDOL, Defendant (3), brought up with a miscalculated amount, appealing the Defendant (1&2) instead, enhancing the misery on Plaintiff. Plaintiff had requested for the entire nine and half years of back payments of overtime work period. USDOL's WHD (Wage and Hours Division) officer Ms. Rosa Fay stated that WHD have statutory limit of doing so only for two years but

for the rest, court can issue an order if claimed. Later the same department by adopting the (i) wrongly provided hours (ii) to compute wrong method of 'Piece Rate' to retrieve the least payable amount. WHD sent the receipt of payment to sign as the acceptance of its decision provided that by doing so, Plaintiff lose his right to claim for the rest years under claim.

On March 4, 2019, USDOL decision came in Plaintiff's favor, but unlike an award, it looked like another form of penetrated persecution of Plaintiff. According to FLSA ruling, USDOL settlement on 'Piece Rate', Plaintiff's basic salary was reduced by spreading it in the total numbers of hours of work including extra hours (?) and off days: Saturday, to 'assume' it paid for the extra hours 'partially' as the basic, and to 'be added the .5% thereupon to prove it one and half of the basic, paid to, is questioned which Plaintiff feels unacceptable.


USDOL, Defendant (3) directed Defendant (1&2) to pay for 58 weeks of 22 extra hours each week instead of total 10208± overtime hours in 464± weeks Plaintiff worked. USDOL statutory limit to decide just for two years is understandable but two years consists of 108 weeks. The reason of truncating 50 weeks straight out was not specified in any corresponding letter, or email to the Plaintiff, but it further stated that Plaintiff exempts all right to reclaim in any court for the compensation paid by the employer as if he accepts this payment or sign the

emailed WHD document. So the Plaintiff, kept the check to represent in the court on hold and filed this complaint case instead, and mentioning the discrepancies occurred for review, final decision, and for order to pay remaining part of the total 464± weeks, Plaintiff worked hard by risking his family, his disabled wife and himself in a criminal negligence of the defendant (1&2) to work out of legal portfolio with a compelled downtrodden condition for years. It was apparently a humanitarian issue also which, WHD completely disfigured with its decision. That caused Plaintiff to make the US Department of Labor's Wage and Hours Division, the third Defendant in this complaint case.

Plaintiff asks, (i) for the condition that caused Defendant (3) adopting unverified total work hours of two years Plaintiff worked in inhumane condition and (ii) justify 'Piece Rate' with the mathematical outcome to match the simple one and half times of basic, for computing overtime or (iii) reason to convert legal eight hours into the hours, greater than legal eight hours which reduces the agreed rate of hourly works. Even if this method comply the rule of minimum wage, Plaintiff opposes for further condition because (i) that was never an agreement, (ii) work was taken under pressure by violating LCA, (iii) late payment surcharge is not computed and (iv) Plaintiff worked in downgraded profile so hourly rate must be applicable.

Two Pages Attachment_15_is the letter of WHD from USDOL as final outcome as in picture_16_:

U.S. Department of Labor
Wage and Hour Division
Receipt for Payment of Back Wages, Liquidated Damages,
Employment Benefits, or Other Compensation



I, Dan, Kalishwar, have received payment of wages, liquidated damages, employment
(typed or printed name of employee)
benefits, or other compensation due to me from Pushpa, Inc.
(name and location of the establishment)
749 Albright Road Rock Hill SC 29730

for the period beginning with the workweek ending 08/27/2016 through the
workweek ending 08/25/2018. The amount of the payment I received is shown below.
This payment of wages and other compensation was calculated or approved by the U.S. Department of Labor Wage and Hour
Division (WHD) and is based on the findings of a WHD investigation. This payment is required by the Act(s) indicated below in
the marked box(es):

☒ Fair Labor Standards Act (FLSA)

Gross Amount Back Wages \$10,297.32 Gross Amount Liquidated Damages \$0.00
Legal Deductions from Back Wages _____ Other Amount Paid _____
Net Amount Received _____ (please specify type)

NOTICE TO EMPLOYEE: Your acceptance of this payment of wages and/or other compensation due under the Fair Labor
Standards Act (FLSA) or Family Medical Leave Act (FMLA), based on the findings of the WHD means that you have given up
the right you have to bring suit on your own behalf for the payment of such unpaid minimum wages or unpaid overtime
compensation for the period of time indicated above and an equal amount in liquidated damages, plus attorney's fees and court
costs under Section 16(b) of the FLSA or Section 107 of the FMLA. Generally, a suit for unpaid wages or other compensation,
including liquidated damages, must be filed within two years of a violation of the FLSA or FMLA. Do not sign this receipt unless
you have actually received this payment in the amount indicated above.

RETALIATION AND KICKBACKS PROHIBITED: Your employer is prohibited from retaliating against you for accepting
payment of wages you are owed or from requiring you to return or decline payment of the wages owed to you. Your employer is
also prohibited from retaliating against any person who files a complaint with the Wage and Hour Division (WHD) or cooperates
with a WHD investigation. Your employer is also prohibited from interfering with, restraining, or denying the exercise of Family
Medical Leave Act (FMLA) rights. You should contact the WHD immediately if your employer takes any of these actions or fails
to comply with the law in the future. Your identity will be kept confidential to the maximum extent possible under existing law.
You may contact the WHD by calling 1-866-487-9243 or 803-765-5981

Signature of employee _____ Date _____
Address _____

I understand that my signature on this receipt and waiver attests to the fact that I have actually received the payment in the amount
indicated above of the wages, liquidated damages, or other compensation due to me, and that I waive my right to bring suit as
described above, and covering the period set forth above.

EMPLOYER'S CERTIFICATION TO WAGE AND HOUR DIVISION OF THE DEPARTMENT OF LABOR:

Plaintiff received the check of \$_7144.40_ after tax deducted from the Defendants and decided to not to put it in his bank, because (1) the Defendants intentionally provided the wrong length of time Plaintiff worked actually, to the USDOL inspectors and (2) USDOL without further verification, accepted it to make a decision; and until it is further decided that the computation on Piece Rate was applicable or not in a victimized LCA case as the unalterable rate and term in the specialty visa case is predetermined and approved by the US labor law and

not by the employer, the Defendant in this case. There is NO attachment of this check sent by the Defendant (1&2) as in picture below:

Check sent by the Defendants with details: No separate attachment is Provided of this Picture_18_.

Pushpa Discount Store Inc.
748 ALBRIGHT RD.
ROCK HILL, SC 29730
TEL: (803) 967-1160
EMAIL: PUSHPA.DS@GMAIL.COM

BB&T 018567
67102932 3/6/2019

PAY TO THE ORDER OF: KALISHWAR DAS \$ 7,144.40
Seven Thousand One Hundred Forty-Four and 40/100 DOLLARS
VOID AFTER 90 DAYS
KALISHWAR DAS
1505 THE CROSSING
ROCK HILL, SC 29732
MEMO: Pay Period: 08/27/2016 - 08/25/2018
AUTHORIZED SIGNATURE: *K. Das*

Pushpa Discount Store Inc. 018567

Employee		SSN	Status (If not State)	Address/Ext
KALISHWAR DAS 1505 THE CROSSING, ROCK HILL, SC 29732		0458	Married/Spouse	Ext 459/SC 459
Pay Period: 08/27/2016 - 08/25/2018		Pay Date: 03/06/2019		

Earnings and Hours	Qty	Rate	Current	YTD Amount
Back Wages			10,297.54	10,297.54
Taxes				
			Current	YTD Amount
Medicare Employee Add Tax			0.00	-1,700.00
Federal Unemployment			-838.43	-638.43
Social Security Employee			-142.91	-142.91
Medicare Employee			-265.18	-265.18
SC - Unemployment			-3,182.92	-3,182.92
Net Pay			7,144.40	7,144.40

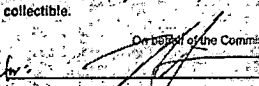
Pushpa Discount Store, Inc., Rock Hill, South Carolina 29730

"Mathematics is the only perfect science unlike any other forms and named science, which could make a sense with tangible or intangible results but whose results are never free from doubt or option of alterations. This truth lucidly proves the FLSA's 'Piece Rate' of computing method Incompatible and so, should be unacceptable."

For justifying the charges of torture and discrimination, Plaintiff had requested to EEOC also to investigate and pass a

departmental ruling on this issue but EEOC somehow by wrongly verifying the total number of the employee at Pushpa Inc. Defendant (2), less than the required numbers, stated its inability to pursue the investigation so issued notice to 'right to sue' instead, to the Plaintiff against the Defendants (1&2).

Given time frame of EEOC expires on May 03, 2019 and this suit is brought under this date to get considered in this court. Attached picture#18 of the front page is shown below as Attachment: _16_ which contains two pages respectively.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION		
DISMISSAL AND NOTICE OF RIGHTS		
To: Kalishwar Das, 1505 The Crossing, Rock, SC 29732	From: Greenville Local Office 301 North Main St Suite 1402 Greenville, SC 29601	
On behalf of person(s) aggrieved whose identity is CONFIDENTIAL (29 CFR §1601.7(a))		
EEOC Charge No. 436-2019-00416	EEOC Representative Nelson L. Quintana, Jr., Investigator	Telephone No. (864) 241-4412
THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:		
<input type="checkbox"/> The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC. <input type="checkbox"/> Your allegations did not involve a disability as defined by the Americans With Disabilities Act. <input checked="" type="checkbox"/> The Respondent employs less than the required number of employees or is not otherwise covered by the statutes. <input type="checkbox"/> Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge. <input type="checkbox"/> The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge. <input type="checkbox"/> The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge. <input type="checkbox"/> Other (briefly state)		
NOTICE OF SUIT RIGHTS (See the additional information attached to this form.)		
<p>Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)</p> <p>Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.</p>		
Director of the Commission  Patricia B. Fuller, Local Office Director		FEB 04 2019 (Date Mailed)
Enclosures(s) cc: Rajesh Hassani Owner PUSHPA INC. 749 Albright Road Rock Hill Rock Hill, SC 29730		

Plaintiff respects the WHD method to comply minimum wage ruling and for those cases where a victimized or violated LCA guidelines are not under consideration provided, the alteration of LCA should be covered under any pursuant law. If not so, it should not be computed on Piece rate, which alters the LCA rate, but on the straight hourly rate, the method of computing at one and half times of the basic for every extra hour of work.

If two years of statutory limit is not mandatory for all the overtime claim cases then Plaintiff expects (1) an elevated compensation amount for more than 9 years instead of 58 weeks; where late surcharge, interest and the loss due to non-payment is still payable or (2) the loss due to non-payments of overtime work on time, only; provided that the statutory limit does not liberate an employer, the Defendant in this case, from the charges of bringing loss and stress onto the employee, the Plaintiff in this case, because of non-payment or for taking his hard work granted at no cost during his personal hours.

Payment for statutorily limited number of years is also questionable as in any circumstance, the employer, Defendant (1 and 2) in this case, is merely paying less than what was actually owed and is not taken accountable for the accrued loss on employee, the Plaintiff in this case because of his delayed and inaccurate payment.

Plaintiff files this Complaint case for justice through Jury trials for adequate compensations in multiple levels to help and satisfy his outraged modesty and multifarious losses and therefore, punishment to the wrongdoers and for the criminal offenses.

USDOL, in this complaint case is a third Defendant for (i) adopting a unverified data to compute overtime (ii) ignoring the legal aspect in grant of overtime to an executive hire of a company who was illegally deputed in non-executive area of work (iii) for neglecting the LCA requirement to satisfy law (iv) for ignoring or denying the lapses of employer Defendant, involving Human rights violation (v) for not imposing the punitive charges for violating LCA and other law violations.

Defendants (1&2) (a) by knowingly abusing Plaintiff's H1B specialty visa, (b) by intentionally obstructing his freedom, career, family-life, finance, (c) by deliberately slandering social reputation through public humiliations (d) by knowingly harassing with hateful and defamatory words and speeches, (e) by retaliating against lawful complaint about his offensive conduct, (f) by stressfully blackmailing for years (f) by refusing to enforce or to self-regulate LCA rulings, thereby (g) selectively amplifying the pressure on compelled Plaintiff for the conductance of out of law, low-profile long hours duties by replacing local workers, (i) by removing Plaintiff out from the

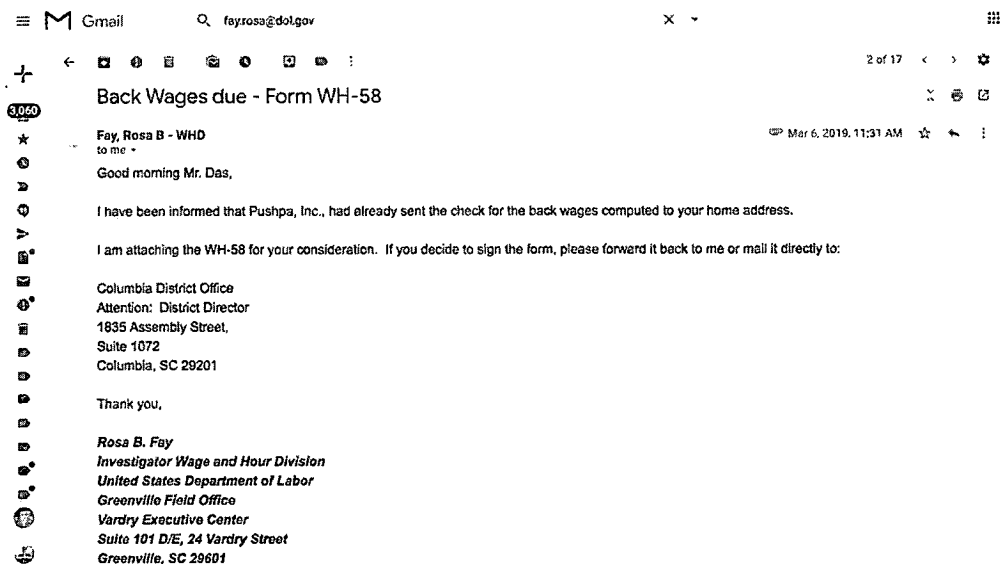
legal visa status and finally (j) by physically assaulting to turn Plaintiff weak and partially disabled, which adversely affected to Plaintiff physically, mentally and financially, particularly to his disabled wife's health and the education of his two teenage children.

Department of Labors' recent direction to pay to the Plaintiff for overtime work is non-punitive but a claimable relief to the Defendants, which (a) is wrongly computed on non-compliant 'Piece-rate'¹² for LCA approved H1b employee (b) is for a concise period of wrongly provided length of time as the extension of torture on Plaintiff, (c) **is not clarified the status of Off day (entire day & every Saturday) work as overtime or was on separate ruling**, (d) plaintiff's log

12 'Piece-rate' method of computing payable overtime hours, spreads the salary amount among the full length of working hours of the day to get hourly earnings of the week and slightly skips the legal aspect of working fulltime on off day of the Saturday by adding its all hours of work as overtime; deducts the 8 federally legal hours of work with earning made out of total earning of the day and for the rest pays half of the hourly earning. From the top it looks usual but unviable from the bottom. In a demonstration of example, discrepancy of Piece rate computation could be seen clearly, i.e. Mr. A is employed on a fix salary of \$4000 in a month for 40 hours of work every week so he earns \$1000 weekly for working 40 hours which is equal to \$25 every hour. In any particular month he worked 10 hours everyday instead of 8 hours and worked 10 hours on Saturday instead it was his off day also so he worked 20 extra hours in a week so, he worked total 60 hours in a week. Piece Rate computed his entire weeks like this: $\$1000/60=\16.66 per hour then divided it half ($=\$8.33$) and straightly multiplied with the extra hours of work= $20*8.33=\$166.66$ for a weekly extra hour's payment. So in a month he apparently earned $\$166.66*4=\666.66 for 80 extra hours of work which is equal to \$8.33 per hour. This is not specified why he should be paid less for extra hours by letting his basic be stretched which was already \$25 for every hours. So what he lost is: basic form basic $\$1000/40/2*1.5=\$37.50*20=\$750-\$166.66=\$583.34$ every week so in a month of four weeks he lost \$2333.36 after his overtime payment was computed on Piece rate. In this elaboration, more or less, A is the Plaintiff.

out with everyday closing was not used as the proof of closing time or other viable tool of verification (e) is not pursuant to law, or explained either where, Plaintiff's human rights have been completely ignored or denied mysteriously. Defendant even before Plaintiff was informed about the decision of this case, sent check to the Plaintiff which he, the Plaintiff, refused to accept and never signed or submitted the WHD document to the USDOL. (Please find this message in Ms. Rosa Fay's reply to Plaintiff in following screenshot picture#19_ and in hard copy of it)

Picture_19_ Attachment# _17_Total_No._of_Page_03_



Accidently recorded voice and videos of live atrocities at Plaintiff's workplace under dispute; with curse words and derogatory racial, hateful lines are classified and should be

represented cautiously during the court hearing to prove the claim of Plaintiff against Defendants (1&2).

Defendant Rajesh Hassani is also an India born Hindu, but he keeps limited restrictions to retain it. He knows Hindi and understands the meaning of words and dialects, commonly used in India. Because Plaintiff belonged to a particular state of India, Bihar, he, the Defendant, claimed with many of his family friends and close worker that he uses hard lines on him also because, all 'Biharis' are historically horrible, illiterate, and uncultured people and they need to be treated harshly. In history, they ruled India and also because he, the Plaintiff, belongs to an elite class of India and he, the Defendant, wants him to see begging for mercy and money if not for the food and water.

With such examples coming up often, it was clear that Defendant's behavior was not simply quick or unplanned but planned and motivated with some dangerous offensive bias, which were prone to harm Plaintiff and his family in any possible way where his name doesn't get involved. He, the Defendant, committed all outrageous atrocities purposely in a vindictive manner against the Plaintiff, and finally created an unwarranted scene to let Plaintiff lose all his earning and years spent in the United States, on leaving the United States. Purpose of doing so was to block him from a probable attainment as a witness in

the investigations against him. Defendant never realized the pain and harm upon Plaintiff and upon his innocent family at all and kept torturing mercilessly with mixture of fake apologies, croc-tears, sweet words to lure and greed all to break Plaintiff's confidence and keep him surrendered for Defendant's personal benefit in his business.

Defendant never paid for Plaintiff's indigenous hobby or talent in tailoring and fabric designing that benefitted Defendant in more than sixty thousand dollars and boosted the main sales. This first known figure of selling 860 suits only, from November 1, 2006 to December 31, 2007 with average alteration charge of Tax free \$8 each was computed only once in January 2008 which was actually a reduced figure from 1389 suits every year but the sale of trousers and alterations done on several other things are not considered here. [Average $860/14\text{months}=61$ suits every month $\times 12\text{month}=732$ suits every year $\times 11\text{years}=8052$ suits $\times \$8=\64416 until May 2018].

Defendant (1&2) always declared this earned revenue from the 'one man show' business of Plaintiff by himself only, as the tax free labor charge in his tax filing but he never gave or shared even a single percentage of it with Plaintiff as commission or appreciation rather called it the duty, which was not duty indeed as specified on Plaintiff's LCA. For performing this special duty, Defendant provided only one sewing machine

while Plaintiff's used his personal three machines and accessories for which the Defendant never paid or cooperated in any manner. Plaintiff leaves this claim upon Hon. Court or/and Jury to decide for justification of its payment as if, it is sought illegal to ignore it.

Plaintiff's overall losses are immeasurable and unnoticed-unknown that may bring effects in his coming time. Because of his troubled past with Defendants (1&2) he already faced a huge set back on his credit rating, bank balances, employment, and the opportunities in life. Plaintiff believes that nothing could be recovered if not asked or tried properly, which he lost due to his oppressed and abandoned life in America by the Defendants (1&2).

Plaintiff's health had already deteriorated due to long hours of duty and now due to the recent assault he has turned partially disabled. He cannot walk fast or straight and cannot stand longer than five-ten minutes. His right arm is still unable to lift anything heavier than five-six pounds. He stopped playing with his sons that could involve him for throwing or catching by flexing or stretching his arms quickly. Plaintiff's health had already deteriorated due to long stressful extremely busy schedule in sales, alteration, whole selling, shipping to the company's distant locations and customers all by himself and

very few times with temporary workers and now with this added inability, Plaintiff's life has fallen in unspeakable problems.

Several times customers stopped Rajesh Hassani, Defendant (1) from misbehaving with Plaintiff but he kept ignoring them with an added penetration. Almost all regular customers were confirming and suggesting him for conducting good behavior with the Plaintiff, but nothing changed. Defendant used to watch him working in cameras all the time to disallow him to take a break at all. If he, the Plaintiff was found slow or leaning to give rest to his back, Defendant (1) used abusive language and comments¹³ publicly for restarting work. On getting motivated for good behavior with the Plaintiff, Defendant (1) accepted that he treats him rudely because of many reasons.

This case is, as explained, occurred and are tangibly provable, a clear case of abuse of power and authority as H1b employer the Defendants (1&2), indulgence in illegal activities, scam with lies and deceptions, breach of privacy act, violating the established labor laws, immigration and human rights by

13 A few comments of Defendant are mentionable: (a) ..god didn't create donkeys to rest without sweat and tears, (b) ..feel happy that I can stare you only while you're like a caged mice, (c) beggars have no choice, (d) this country is made for rich like us to pretend it is yours too, (e) freaking your dark skin also freaks other blacks and managers who knows who you are (f) only the people with limited sense comes here to get squeezed, rest choose better place to get sucked, (g) poors do not deserve respect or anything only which rich dislikes for some reason, (h) you don't need to give them real love or respect, just pretend of doing so, (i) win their trust to squeeze them easily, (j) call them richman and if they start starring left-right on floor, kick their a** to h** b'cuz only broke act like that etc etc.

unlawful mistreatment, slandering, assaulting, humiliation in public with mental harassment, compelling, intentionally bringing harms to the disable wife of Plaintiff and his family life, use of hateful derogatory, blasphemous, racist words & languages causing to Plaintiff in the hurt of his faith, loss of self-confidence, career, precious time and finance, personal and family health, mental stress, peace, stability and future certainty.

Left at nowhere at age 50 with mentally disordered wife only because he failed to provide her a normal family life because he was compelled to work for long hours because he was unable to save money to go back to India because Defendant for their personal benefit had badly trapped him, he lost her. She is alive but joyless because of Defendant's criminal conspiracies and insane behavior on the Plaintiff, as they will be proven right during Jury trial. Plaintiff has no adequate remedy at law.

Without Court intervention and an injunction, Plaintiff with his innocent family will suffer actual and irreparable injury to their interests and personal rights by the mere fact that Defendants' irresponsible offenses and the acts of retaliation, defamation, physical assault and loss at career will further cost them to lose they had earned in life yet. There is a substantial likelihood that Plaintiff will succeed on the merits of these claims.

Plaintiff alleges the foregoing based upon personal knowledge, public statements of others, and records in his possession. Plaintiff believes that substantial additional evidentiary support, which is in the exclusive possession of Defendants will exist for the allegation and claims set forth above after a reasonable opportunity for discovery.

Defendants (1&2) have brought ultimate pain and grief in the life of Plaintiff and upon his innocent family. It has put not only to him, the Plaintiff, but upon his wife with their growing children on risk of their life, with loss of mental peace, stamina, enjoyment, opportunities of free movement and new career. Plaintiff's increased companionship with wife is more than a regular working person of his age and that is affecting his income, personal life and other works drastically. Plaintiff finds himself running many years behind of his dreamt projects that were to be accomplished years ago. For this, he blames himself first for not risking with the compelling scenario that the Defendants (1&2) insanely created for their personal benefit. This truth, does not exempt Defendants, from their crime of committing a planned atrocities upon Plaintiff, which was against the principal law of human rights. It is therefore, requested to consider this vital point for an adequate compensation to bring an urgent relief to the Plaintiff.

Plaintiff reserves his right to append, rearrange and amend this Complaint case upon discovery of additional instances of Defendants' wrongdoing and with other proofs in this court or in other.

Plaintiff also reserves the right to retain the service of state and federal Attorney later in this case for argument if needed with or without any amendment in claims made herein and with more proofs.

If, this Pro Se Complaint case, filed by the Plaintiff himself, needs to mention any additional laws governing the area of violation, but which is not mentioned herein, be included with his, the Plaintiff's consented notification.

CONCLUSION AND PRAYER FOR RELIEF:

WHEREFORE, Plaintiff respectfully requests the Court to enter Judgment against the Defendants, jointly and severally, as follows:

- A. Losses onto Plaintiff and his innocent family are immeasurable unlike the loss of overtime wages of over nine years, which is \$282,369.00 as computed on hourly basis for 10208± hours and excludes interest and late surcharge, which the court decides. Plaintiff asks to issue an order for this calculated

payment by the Defendants (1&2) with interest and late surcharge as determined by the court and/or Jurors.

- B. Plaintiff reserves his right to ask for compensatory damages as his second preference other than the punishment through the injunctions [for actual injury and loss to the Plaintiff, his wife and his family; causing the loss of mental anguish and stress and health of Plaintiff and his family with disabled wife, criminal negligence, defamation of name and reputation per se, insulting words, public humiliations and civil conspiracy of retaliation with breach of privacy as the Act explains respectively.], to the Defendants for their committed offences, so asks for the punitive damages [S.C. Code § 15-32-510, cap on punitive damage are waived off if (1) the wrongful actions of the defendant were motivated by financial gain and were unreasonably and knowingly hazardous with elevated probability of injury occurring and (2), the unlawful acts of the defendant could constitute a felony.], prejudgment interest on the principal sum to be decided, as if asked for compensatory damages; awarded by the Jury from October 1, 2008, to the date of Judgment at the rate court computes pursuant to SECTION §15 37 40 and SECTION §15 37 30 of the SC Code, as amended (the "Code"), injunctive relief, and (d) court costs – arising out of defendants. General compensatory damages may include later, for Mental anguish, Disfigurement, Future medical expenses, Future lost wages, Long-term physical pain and suffering, Loss of consortium, Inconvenience, Loss of enjoyment of life, Loss of opportunity to the Plaintiff and his


innocent family as if, the court finds them true during the Jury trial and with provided evidences.

- C. Punitive damages as the Juror find adequate pursuant to section 15-20-510 or the maximum amount allowed by law. The wrongful actions of the defendants (1&2) were motivated by financial gain and were unreasonably and knowingly hazardous with an elevated probability of injury occurring. The unlawful acts of the defendant (1&2) could constitute a felony and therefore, the demand for punitive damage.
- D. Overtime payments in the amount of \$286,369.00 for over nine years where, USDOL wrongly computed under its statutory limit of two years and which Plaintiff refused to accept to retain his right to bring this suit in this court, for dues payment of all past years of unpaid overtime work, under claim.
- E. Whether in effect of alcohol or not, if the Defendant (1) Rajesh Hassani is seen in video or verified by the witness colleagues of Plaintiff, resisting for committing brutal assault on Plaintiff on November 1, 2017, then this offence should be taken under cognizance by this court for punishment with others who ignored to report to the law enforcement on time which is an act of felony.
- F. Prejudgment interest from October 1, 2008, to October 14, 2018, until the date Judgment is entered at the maximum rate allowed by law;

- G. Post-judgment interest as per law per annum on unpaid overtime dues and at Compensatory damage if asked later, until paid in full.
- H. Attorney's Fees and Costs joining later;
- I. Such other relief as is just and proper.

TRIAL BY JURY IS DEMANDED

Dated this _____ day of April, 2019 and signed:



04022019

Kalishwar Das
1505 The Crossing
Rock Hill, SC 29732
Ph: 803-370-2344
Email: kalishwardas@gmail.com

LIST OF ATTACHMENTS

No.	Description of the Attachments	Total Pages	Picture Number
1.	Information about Proposed Employment	08	NOT PROVIDED
2.	Data Sheet for Labor Certification Process	01	01
3.	Email conversation from Attorney <u>Ajay Arora</u>	02	02
4.	Last LCA Document of <u>2015</u>	12	03
5.	Dr. Sharon William's medical statement on <u>wife's health</u>	01	04
6.	First preserved sketch by wife <u>Vibha Devi Das</u>	01	05
7.	Latest sketch of Vibha as the proof of <u>mental loss</u>	01	06
R.	Second latest sketch of Vibha as the proof of <u>mental loss</u>	01	07
8.	First snapped picture of Vibha Devi Das in <u>2009</u>	01	08
9.	First complaint letter to USDOL of Feb 20, <u>2014</u>	02	09
10.	CFS Command Log of Rock Hill <u>Police</u>	02	10&11
11.	Letter from Experian	01	12
12.	Last Notice of Action from <u>USCIS</u> on H1b	01	13
13.	Doctor's advice to rest (report)	01	14
14.	Latest complaint filed with USDOL of July 23, 2018	03	15
15.	Letter of WHD from USDOL to sign the receipt of <u>payment</u>	02	16
16.	Dismissal and Notice of Rights (to sue) from <u>EEOC</u>	02	18
17.	Last email conversation with USDOL officer Ms. Rosa Fay	03	19

Total pages attached: 45

INFORMATION ABOUT PROPOSED EMPLOYMENT

1	Job Title	BUSINESS DEVELOPMENT ANALYST
2	Job Description	Collect and analyze data on customer demographics, preferences, needs, and buying habits to identify potential markets and factors affecting product demand. Study trends, costs, estimated and realized revenues to soundly advise on long-term commitments; Identify, develop, and evaluate marketing strategy, based on knowledge of establishment objectives, market characteristics, and cost and markup factors. Formulate marketing activities and policies to promote products and services, working with advertising and promotion managers. Use sales forecasting and strategic planning to ensure the sale and profitability of products, lines, or services, analyzing business developments and monitoring market trends. Chart financial growth, documenting trends and analyzing and correlating revenues with methods of marketing. Prepare reports for management based on sales progress and advise management regarding volume sales and new clients. Research and provide information to help determine position in the marketplace. Measure the effectiveness of marketing, advertising, and communications programs and strategies. Conduct research on consumer opinions and marketing strategies, collaborating with marketing professionals, statisticians, pollsters, and other professionals. Attend staff conferences to provide management with information and proposals concerning the promotion, distribution, design, and pricing of company products or services. Gather data on competitors and analyze their prices, sales, and method of marketing and distribution.
3	Work Location	Pushpa, Inc. 749 Albright Road, Rock Hill, SC 29730
4	Work Hours	Monday through Friday 09:00am to 05:00pm
5	Education Qualification	Associate Degree or its equivalent in Business Administration or Economics or Sociology or any field at least one year training program completed in marketing and business administration.
6	Experience Requirement	Two 3+ years of uninterrupted experience as Business Development Analyst or Marketing Analyst or any position
7	Employee's immediate Supervisor(Name & Title)	Rajesh Hassani, President
8.	No. of employees Alien will supervise	Please fill this information, if applicable

DATA SHEET FOR APPLICATION FOR PERMANENT EMPLOYMENT CERTIFICATION

PERSONAL INFORMATION PERTAINING TO BENEFICIARY

Name (First, Middle & Last)	KALISHWAR		DAS
Date Of Birth & Age	[REDACTED] {43 YEARS}		
Place Of Birth (City, State & Country)	PATNA, BIHAR, INDIA		
Country Of Citizenship	INDIA		
Social Security Number	***_**_****		
Present Address In The U.S.	1375/202 CYPRESS POINT DRIVE, ROCK HILL, SC 29730		
Telephone Numbers	Home: 704-257-4051 Work: 803-327-1160 Mobile: 803-370-2344		
Email Address	Personal: <u>KALISHWAR@ME.COM</u> Work:		
Permanent Address Abroad	KALISHWAR DAS L-1/39 P.I.T. COLONY KANKARBAGH, PATNA 20 BIHAR, INDIA		

PASSPORT & IMMIGRATION INFORMATION

Passport Details	Passport Number: E8440545 Date of Issue: 09-17-2004 Date of Expiry: 09-16-2014
I-94 Number	410913398-11
Date Of Most Recent Entry Into The U.S.	September 24 th 2008
Place of Most Recent Entry Into the U.S.	Chicago, IL
Current Immigration Status (F-1, H-1B, Etc.)	H1B
Present Annual Salary	44400

INFORMATION PERTAINING TO EMPLOYEE/BENEFICIARY'S EDUCATIONAL QUALIFICATION
(LIST ALL DEGREES, DIPLOMAS & TRAINING OBTAINED)

Name Of College/Institution/Course Sponsor	AIESEC UNITED STATES www.aiesec.org
Complete Street Address	11 HANOVER SQUARE SUITE 1700 MANHATTAN, NEW YORK NY 10005 Tel: 212.757.3774

Dates Of Attendance	From: OCTOBER 2006 To: APRIL 2008
Degree Received	J1 TRAINING (US). {Equivalent to MBA in the United States}
Major Field Of Study/Training	MARKETING AND BUSINESS DEVELOPMENT [Field/Subject Code: 52.1401]

Name Of College	UPTRON-ACL
Complete Street Address	ROAD No. 02, RAJENDRA NAGAR, PATNA 800016
Dates Of Attendance	From: MAY 1991 To: MARCH 1993
Degree Received	APGDSCM
Major Field Of Study	COMON BUSINESS ORIENTED LANGUAGE

Name Of College	PATNA COLLEGE
Complete Street Address	PATNA UNIVERSITY, ASHOK RAJPATH, PATNA 800004
Dates Of Attendance	From: MAY 1985 To: MARCH 1989
Degree Received	BACHELOR OF ARTS (HONORS)
Major Field Of Study	HONORS IN SOCIOLOGY

Name Of College	BIHAR NATIONAL COLLEGE
Complete Street Address	PATNA UNIVERSITY, ASHOK RAJPATH, PATNA 800004
Dates Of Attendance	From: MARCH 1983 To: APRIL 1985
Degree Received	INTERMEDIATE OF ARTS
Major Field Of Study	SOCIOLOGY

INFORMATION PERTAINING TO EMPLOYEE/BENEFICIARY'S EMPLOYMENT EXPERIENCE
(LIST ALL EMPLOYMENT STARTING WITH PRESENT ONE)

JOB (1)

Name Of Employer	VAARTA NEWS AGENCY
Complete Street Address	RAMROOP TULSI BHAWAN, DEOGHAR ROAD, JHARKHAND
Nature Of Employer's Business	NEWS COLLECTING AND EDITING

Job Title (As Specified In H-1B Petition)	BUREAU CHIEF
Dates Of Employment	From: 05/01/2001 To: 07/31/2006
Description Of Job Duties (Information Technology Employees Should Include Skills, Languages, Applications & Platforms)	
Hours Per Week (Full Time = 40)	40
Annual Salary	44400

JOB (1)

Name Of Employer	PUSHPA INC.
Complete Street Address	749 ALBRIGHT ROAD, ROCK HILL, SC 29730, USA.
Nature Of Employer's Business	MANUFACTURING AND RETAILING
Job Title (As Specified In H-1B Petition)	Business Development Analyst
Dates Of Employment	From: 10/01/2008 To: Till date
Description Of Job Duties (Information Technology Employees Should Include Skills, Languages, Applications & Platforms)	
Hours Per Week (Full Time = 40)	40
Annual Salary	44400

Name Of Employer	PUSHPA INC.
Complete Street Address	749 ALBRIGHT ROAD, ROCK HILL, SC 29730, USA.
Nature Of Employer's Business	MANUFACTURING AND RETAILING

Job Title (As Specified In H-1B Petition)	Trainee Specialty Marketing
Dates Of Employment	From: 10/01/2006 To: 04/01/2008
Description Of Job Duties (Information Technology Employees Should Include Skills, Languages, Applications & Platforms)	Specific training in managing the sales and marketing on different locations owned by the same company.
Hours Per Week (Full Time = 40)	40
Annual Salary	36,000

Name Of Employer	PUSHPA INC.
Complete Street Address	749 ALBRIGHT ROAD, ROCK HILL, SC 29730, USA.
Nature Of Employer's Business	MANUFACTURING AND RETAILING
Job Title (As Specified In H-1B Petition)	Trainee Specialty Marketing
Dates Of Employment	From: 10/01/2006 To: 04/01/2008
Description Of Job Duties (Information Technology Employees Should Include Skills, Languages, Applications & Platforms)	Specific training in managing the sales and marketing on different locations owned by the same company.
Hours Per Week (Full Time = 40)	40
Annual Salary	36,000

JOB (2)

Name Of Employer	
Complete Street Address	
Nature Of Employer's Business	
Job Title (As Specified In H-1B Petition)	
Dates Of Employment	From: Month/Date/Year To: Month/Date/Year
Description Of Job Duties (Information Technology Employees Should Include Skills, Languages, Applications & Platforms)	
Hours Per Week (Full Time = 40)	
Annual Salary	

JOB (3)

Name Of Employer	
Complete Street Address	
Nature Of Employer's Business	
Job Title (As Specified In H-1B Petition)	
Dates Of Employment	From: Month/Date/Year To: Month/Date/Year
Description Of Job Duties (Information Technology Employees Should Include Skills, Languages, Applications & Platforms)	

Hours Per Week (Full Time = 40)	
Annual Salary	

JOB (4)

Name Of Employer	
Complete Street Address	
Nature Of Employer's Business	
Job Title (As Specified In H-1B Petition)	
Dates Of Employment	From: Month/Date/Year To: Month/Date/Year
Description Of Job Duties (Information Technology Employees Should Include Skills, Languages, Applications & Platforms)	
Hours Per Week (Full Time = 40)	
Annual Salary	

JOB (5)

Name Of Employer	
Complete Street Address	
Nature Of Employer's Business	
Job Title (As Specified In H-1B Petition)	
Dates Of Employment	From: Month/Date/Year To: Month/Date/Year
Description Of Job Duties (Information Technology Employees Should Include Skills,	

Languages, Applications & Platforms)	
Hours Per Week (Full Time = 40)	
Annual Salary	

DATA SHEET FOR LABOR CERTIFICATION PROCESS

LEGAL NAME OF EMPLOYER	EMPLOYER INFORMATION PUSHPA INC.
EMPLOYER'S FEDERAL TAX ID NUMBER	
EMPLOYER'S ADDRESS	749 ALBRIGHT ROAD, ROCK HILL, SC 29730 USA
TELEPHONE NUMBER	803-327-1160
YEAR OF ESTABLISHMENT	
CURRENT # OF EMPLOYEES	
NAME, TITLE & EMAIL ADDRESS OF PERSON WHO WILL SIGN ON BEHALF OF COMPANY	RAJESH HASSANI, PRESIDENT <u>PUSHPAINC@GMAIL.COM</u>
FAX NUMBER OR EMAIL ADDRESS TO BE USED IN NEWSPAPER ADVERTISEMENTS	
WORK LOCATION, IF DIFFERENT FROM COMPANY'S ADDRESS	
JOB TITLE OF THE BENEFICIARY	ACCOUNT ANALYST BUSINESS DEVELOPMENT ANALYST
JOB DESCRIPTION OF THE BENEFICIARY	

3/21/2019



Kalishwar Das <kalishwardas@gmail.com>

Attachment-03
Pictured-02**LCA issued in 2008 is required**

5 messages

Kalishwar Das <kalishwardas@gmail.com>

Thu, Mar 21, 2019 at 1:39 AM

To: AJAY ARORA <info@h1b1.com>, "pushpainc@gmail.com" <pushpainc@gmail.com>

Hello Sir/s

To file a complaint case next week in court, I need copies of my first LCA issued in 2008. I already have my latest one, of 2015 after my H1b was reinstated.

I'll appreciate if you email me the same and by soonest possible.

Thank you.

Kalishwar Das
803.370.2344
803.262.7737
www.trueman.us

Local copy backed up and Archived in Home-based iMac-III

Ajay K. Arora, Attorney-at-Law <info@h1b1.com>

Thu, Mar 21, 2019 at 9:20 AM

To: Kalishwar Das <kalishwardas@gmail.com>, "pushpainc@gmail.com" <pushpainc@gmail.com>

Hello Kalishwar,

We are unable to provide any documentation as the employer is the petitioner (signatory) of the LCA.

Best regards,

Ajay Arora

Ajay K. Arora, Attorney-at-Law
1270 Broadway, Suite 510
New York, NY 10001

21/2019

Gmail - LCA issued in 2008 is required

Tel: 212-268-3580

Email: info@h1b1.comWebsite: <https://www.h1b1.com>

[Quoted text hidden]

Kalishwar Das <kalishwardas@gmail.com>

Thu, Mar 21, 2019 at 1:04 PM

To: AJAY ARORA <info@h1b1.com>

Yes sir, he is as he was in 2015 also but you sent me my last LCA gradually. Please do the same once again as it is urgently required. Please.

Thanks.

[Quoted text hidden]

Ajay K. Arora, Attorney-at-Law <info@h1b1.com>

Thu, Mar 21, 2019 at 1:11 PM

To: Kalishwar Das <kalishwardas@gmail.com>

Mr. Das, now the employer is on notice as you cc'd him in previous email, and the employer is not allowing us to release any more documents.

[Quoted text hidden]

Kalishwar Das <kalishwardas@gmail.com>

Thu, Mar 21, 2019 at 2:10 PM

To: AJAY ARORA <info@h1b1.com>

Thank you for the clarification.

[Quoted text hidden]

OMB Approval: 1205-0310
Expiration Date: 05/31/2018

Labor Condition Application for Nonimmigrant Workers
ETA Form 9035 & 9035E
U.S. Department of Labor



**Electronic Filing of Labor Condition Applications
For The H-1B Nonimmigrant Visa Program**

This Department of Labor, Employment and Training Administration (ETA), electronic filing system enables an employer to file a Labor Condition Application (LCA) and obtain certification of the LCA. This Form must be submitted by the employer or by someone authorized to act on behalf of the employer.

A) I understand and agree that, upon my receipt of ETA's certification of the LCA by electronic response to my submission, I must take the following actions at the specified times and circumstances:

- print and sign a hardcopy of the electronically filed and certified LCA;
- maintain a signed hardcopy of this LCA in my public access files;
- submit a signed hardcopy of the LCA to the United States Citizenship and Immigration Services (USCIS) in support of the I-129, on the date of submission of the I-129;
- provide a signed hardcopy of this LCA to each H-1B nonimmigrant who is employed pursuant to the LCA.

☒ Yes ☐ No

B) I understand and agree that, by filing the LCA electronically, I attest that all of the statements in the LCA are true and accurate and that I am undertaking all the obligations that are set out in the LCA (Form ETA 9035E) and the accompanying instructions (Form ETA 9035CP).

☒ Yes ☐ No

C) I hereby choose one of the following options, with regard to the accompanying instructions:

☐ I choose to have the Form ETA 9035CP electronically attached to the certified LCA, and to be bound by the LCA obligations as explained in this form

☒ I choose not to have the Form ETA 9035CP electronically attached to the certified LCA, but I have read the instructions and I understand that I am bound by the LCA obligations as explained in this form

OMB Approval: 1205-0310
Expiration Date: 05/31/2018Labor Condition Application for Nonimmigrant Workers
ETA Form 9035 & 9035E
U.S. Department of Labor

Please read and review the filing instructions carefully before completing the ETA Form 9035 or 9035E. A copy of the instructions can be found at <http://www.foreignlaborcert.doleta.gov/>. In accordance with Federal Regulations at 20 CFR 655.730(b), incomplete or obviously inaccurate Labor Condition Applications (LCAs) will not be certified by the Department of Labor. If the employer has received permission from the Administrator of the Office of Foreign Labor Certification to submit this form non-electronically, **ALL** required fields/items containing an asterisk (*) must be completed as well as any fields/items where a response is conditional as indicated by the section (§) symbol.

A. Employment-Based Nonimmigrant Visa Information

1. Indicate the type of visa classification supported by this application (Write classification symbol): *

H-1B

B. Temporary Need Information

1. Job Title * BUSINESS ANALYST

2. SOC (ONET/OES) code *
13-11993. SOC (ONET/OES) occupation title *
BUSINESS OPERATIONS SPECIALISTS, ALL OTHER

4. Is this a full-time position? *

☒ Yes ☐ No

Period of Intended Employment

5. Begin Date * 10/15/2015
(mm/dd/yyyy)6. End Date * 10/14/2018
(mm/dd/yyyy)

7. Worker positions needed/basis for the visa classification supported by this application

 Total Worker Positions Being Requested for Certification *

Basis for the visa classification supported by this application

(indicate the total workers in each applicable category based on the total workers identified above)

 a. New employment * d. New concurrent employment * b. Continuation of previously approved employment *
without change with the same employer e. Change in employer * c. Change in previously approved employment * f. Amended petition *

C. Employer Information

1. Legal business name * PUSHHPA, INC.

2. Trade name/Doing Business As (DBA), if applicable N/A

3. Address 1 * 749 ALBRIGHT ROAD

4. Address 2 N/A

5. City * ROCK HILL

6. State * SC

7. Postal code * 29730

8. Country * UNITED STATES OF AMERICA

9. Province N/A

10. Telephone number * 8033271160

11. Extension N/A

12. Federal Employer Identification Number (FEIN from IRS) * 570956770

13. NAICS code (must be at least 4-digits) * 424320

OMB Approval: 1205-0310
Expiration Date: 05/31/2018



Labor Condition Application for Nonimmigrant Workers
ETA Form 9035 & 9035E
U.S. Department of Labor

D. Employer Point of Contact Information

Important Note: The information contained in this Section must be that of an employee of the employer who is authorized to act on behalf of the employer in labor certification matters. The information in this Section must be different from the agent or attorney information listed in Section E, unless the attorney is an employee of the employer.

1. Contact's last (family) name *	2. First (given) name *	3. Middle name(s) *
HASSANI	RAJESH	N/A
4. Contact's job title * PRESIDENT		
5. Address 1 * 749 ALBRIGHT ROAD		
6. Address 2 N/A		
7. City * ROCK HILL	8. State * SC	9. Postal code * 29730
10. Country * UNITED STATES OF AMERICA	11. Province N/A	
12. Telephone number * 8033271160	13. Extension N/A	14. E-Mail address PUSHPAINC@GMAIL.COM

E. Attorney or Agent Information (If applicable)

1. Is the employer represented by an attorney or agent in the filing of this application? *		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If "Yes", complete the remainder of Section E below.		
2. Attorney or Agent's last (family) name §	3. First (given) name §	4. Middle name(s) §
ARORA	AJAY	KUMAR
5. Address 1 § 1270 BROADWAY		
6. Address 2 SUITE 510		
7. City § NEW YORK	8. State § NY	9. Postal code § 10001
10. Country § UNITED STATES OF AMERICA	11. Province N/A	
12. Telephone number § 2122683580	13. Extension N/A	14. E-Mail address INFO@H1B1.COM
15. Law firm/Business name § AJAY K. ARORA, ATTORNEY-AT-LAW, P.C.		16. Law firm/Business FEIN § 134085931
17. State Bar number (only if attorney) § 2600310	18. State of highest court where attorney is in good standing (only if attorney) § NY	
19. Name of the highest court where attorney is in good standing (only if attorney) § NY COURT OF APPEALS		

OMB Approval: 1205-0310
Expiration Date: 05/31/2018Labor Condition Application for Nonimmigrant Workers
ETA Form 9035 & 9035E
U.S. Department of Labor**F. Rate of Pay**

1. Wage Rate (Required) From: \$ 48000.00 * To: \$ N/A	2. Per: (Choose only one) * <input type="checkbox"/> Hour <input type="checkbox"/> Week <input type="checkbox"/> Bi-Weekly <input type="checkbox"/> Month <input checked="" type="checkbox"/> Year
--	---

G. Employment and Prevailing Wage Information

Important Note: It is important for the employer to define the place of intended employment with as much geographic specificity as possible. The place of employment address listed below must be a physical location and cannot be a P.O. Box. The employer may use this section to identify up to three (3) physical locations and corresponding prevailing wages covering each location where work will be performed and the electronic system will accept up to 3 physical locations and prevailing wage information. If the employer has received approval from the Department of Labor to submit this form non-electronically and the work is expected to be performed in more than one location, an attachment must be submitted in order to complete this section.

a. Place of Employment 1

1. Address 1 * 749 ALBRIGHT ROAD	
2. Address 2	
3. City * ROCK HILL	4. County * YORK COUNTY
5. State/District/Territory * SC	6. Postal code * 29730
Prevailing Wage Information (corresponding to the place of employment location listed above)	
7. Agency which issued prevailing wage \$ N/A	7a. Prevailing wage tracking number (if applicable) \$ N/A
8. Wage level * <input checked="" type="checkbox"/> I <input type="checkbox"/> II <input type="checkbox"/> III <input type="checkbox"/> IV <input type="checkbox"/> N/A	
9. Prevailing wage * \$ 41974.00	10. Per: (Choose only one) * <input type="checkbox"/> Hour <input type="checkbox"/> Week <input type="checkbox"/> Bi-Weekly <input type="checkbox"/> Month <input checked="" type="checkbox"/> Year
11. Prevailing wage source (Choose only one) * <input checked="" type="checkbox"/> OES <input type="checkbox"/> CBA <input type="checkbox"/> DBA <input type="checkbox"/> SCA <input type="checkbox"/> Other	
11a. Year source published * 2015	11b. If "OES", and SWA/NPC did not issue prevailing wage OR "Other" in question 11, specify source \$ OFLC ONLINE DATA CENTER

H. Employer Labor Condition Statements

! Important Note: In order for your application to be processed, you MUST read Section H of the Labor Condition Application – General Instructions Form ETA 9035CP under the heading "Employer Labor Condition Statements" and agree to all four (4) labor condition statements summarized below:

- (1) **Wages:** Pay nonimmigrants at least the local prevailing wage or the employer's actual wage, whichever is higher, and pay for non-productive time. Offer nonimmigrants benefits on the same basis as offered to U.S. workers.
- (2) **Working Conditions:** Provide working conditions for nonimmigrants which will not adversely affect the working conditions of workers similarly employed.
- (3) **Strike, Lockout, or Work Stoppage:** There is no strike, lockout, or work stoppage in the named occupation at the place of employment.
- (4) **Notice:** Notice to union or to workers has been or will be provided in the named occupation at the place of employment. A copy of this form will be provided to each nonimmigrant worker employed pursuant to the application.

1. I have read and agree to Labor Condition Statements 1, 2, 3, and 4 above and as fully explained in Section H of the Labor Condition Application – General Instructions – Form ETA 9035CP. *	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
--	---

OMB Approval: 1205-0310
Expiration Date: 05/31/2018Labor Condition Application for Nonimmigrant Workers
ETA Form 9035 & 9035E
U.S. Department of Labor**I. Additional Employer Labor Condition Statements – H-1B Employers ONLY**

! Important Note: In order for your H-1B application to be processed, you **MUST** read Section I – Subsection 1 of the Labor Condition Application – General Instructions Form ETA 9035CP under the heading “Additional Employer Labor Condition Statements” and answer the questions below.

a. Subsection 1

1. Is the employer H-1B dependent? §	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. Is the employer a willful violator? §	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3. If “Yes” is marked in questions 1.1 and/or 1.2, you must answer “Yes” or “No” regarding whether the employer will use this application <u>ONLY</u> to support H-1B petitions or extensions of status for exempt H-1B nonimmigrants? §	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

If you marked “Yes” to questions 1.1 and/or 1.2 and “No” to question 1.3, you **MUST** read Section I – Subsection 2 of the Labor Condition Application – General Instructions Form ETA 9035CP under the heading “Additional Employer Labor Condition Statements” and indicate your agreement to all three (3) additional statements summarized below.

b. Subsection 2

- A. **Displacement:** Non-displacement of the U.S. workers in the employer's workforce
- B. **Secondary Displacement:** Non-displacement of U.S. workers in another employer's workforce; and
- C. **Recruitment and Hiring:** Recruitment of U.S. workers and hiring of U.S. workers applicant(s) who are equally or better qualified than the H-1B nonimmigrant(s).

4. I have read and agree to Additional Employer Labor Condition Statements A, B, and C above and as fully explained in Section I – Subsections 1 and 2 of the Labor Condition Application – General Instructions Form ETA 9035CP. §	<input type="checkbox"/> Yes <input type="checkbox"/> No
--	--

J. Public Disclosure Information

! Important Note: You must select from the options listed in this Section.

1. Public disclosure information will be kept at: *	<input checked="" type="checkbox"/> Employer's principal place of business <input type="checkbox"/> Place of employment
---	--

K. Declaration of Employer

By signing this form, I, on behalf of the employer, attest that the information and labor condition statements provided are true and accurate; that I have read sections H and I of the Labor Condition Application – General Instructions Form ETA 9035CP, and that I agree to comply with the Labor Condition Statements as set forth in the Labor Condition Application – General Instructions Form ETA 9035CP and with the Department of Labor regulations (20 CFR part 655, Subparts H and I). I agree to make this application, supporting documentation, and other records available to officials of the Department of Labor upon request during any investigation under the Immigration and Nationality Act. Making fraudulent representations on this Form can lead to civil or criminal action under 18 U.S.C. 1001, 18 U.S.C. 1546, or other provisions of law.

1. Last (family) name of hiring or designated official *	2. First (given) name of hiring or designated official *	3. Middle initial *
HASSANI	RAJESH	N/A
4. Hiring or designated official title *		
PRESIDENT		
5. Signature *		6. Date signed *

OMB Approval: 1205-0310
Expiration Date: 05/31/2018



**Labor Condition Application for Nonimmigrant Workers
ETA Form 9035 & 9035E
U.S. Department of Labor**

L. LCA Preparer

Important Note: Complete this section if the preparer of this LCA is a person other than the one identified in either Section D (employer point of contact) or E (attorney or agent) of this application.

1. Last (family) name § N/A	2. First (given) name § N/A	3. Middle initial § N/A
4. Firm/Business name § N/A		
5. E-Mail address § N/A		

M. U.S. Government Agency Use (ONLY)

By virtue of the signature below, the Department of Labor hereby acknowledges the following:

This certification is valid from 10/15/2015 to 10/14/2018

Certifying Officer
Department of Labor, Office of Foreign Labor Certification

10/14/2015

Determination Date (date signed)

I-200-15280-736774

CERTIFIED

Case number

Case Status

The Department of Labor is not the guarantor of the accuracy, truthfulness, or adequacy of a certified LCA.

N. Signature Notification and Complaints

The signatures and dates signed on this form will not be filled out when electronically submitting to the Department of Labor for processing, but **MUST** be complete when submitting non-electronically. If the application is submitted electronically, any resulting certification **MUST** be signed *immediately upon receipt* from the Department of Labor before it can be submitted to USCIS for further processing.

Complaints alleging misrepresentation of material facts in the LCA and/or failure to comply with the terms of the LCA may be filed using the WH-4 Form with any office of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor. A listing of the Wage and Hour Division offices can be obtained at <http://www.dol.gov/esa>. Complaints alleging failure to offer employment to an equally or better qualified U.S. worker, or an employer's misrepresentation regarding such offer(s) of employment, may be filed with the U.S. Department of Justice, Office of the Special Counsel for Immigration-Related Unfair Employment Practices, 950 Pennsylvania Avenue, NW, Washington, DC, 20530. Please note that complaints should be filed with the Office of Special Counsel at the Department of Justice only if the violation is by an employer who is H-1B dependent or a willful violator as defined in 20 CFR 655.710(b) and 655.734(a)(1)(ii).

O. OMB Paperwork Reduction Act (1205-0310)

These reporting instructions have been approved under the Paperwork Reduction Act of 1995. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. Obligations to reply are mandatory (Immigration and Nationality Act, Section 212(n) and (t) and 214(c). Public reporting burden for this collection of information, which is to assist with program management and to meet Congressional and statutory requirements is estimated to average 1 hour per response, including the time to review instructions, search existing data sources, gather and maintain the data needed, and complete and review the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Labor, Room C-4312, 200 Constitution Ave. NW, Washington, DC 20210. (Paperwork Reduction Project OMB 1205-0310.) **Do NOT send the completed application to this address.**

OMB Approval: 1205-0310
Expiration Date: 05/31/2018

Labor Condition Application for Nonimmigrant Workers
ETA Form 9035 & 9035E
U.S. Department of Labor



**Electronic Filing of Labor Condition Applications
For The H-1B Nonimmigrant Visa Program**

This Department of Labor, Employment and Training Administration (ETA), electronic filing system enables an employer to file a Labor Condition Application (LCA) and obtain certification of the LCA. This Form must be submitted by the employer or by someone authorized to act on behalf of the employer.

A) I understand and agree that, upon my receipt of ETA's certification of the LCA by electronic response to my submission, I must take the following actions at the specified times and circumstances:

- print and sign a hardcopy of the electronically filed and certified LCA;
- maintain a signed hardcopy of this LCA in my public access files;
- submit a signed hardcopy of the LCA to the United States Citizenship and Immigration Services (USCIS) in support of the I-129, on the date of submission of the I-129;
- provide a signed hardcopy of this LCA to each H-1B nonimmigrant who is employed pursuant to the LCA.

☒ Yes ☐ No

B) I understand and agree that, by filing the LCA electronically, I attest that all of the statements in the LCA are true and accurate and that I am undertaking all the obligations that are set out in the LCA (Form ETA 9035E) and the accompanying instructions (Form ETA 9035CP).

☒ Yes ☐ No

C) I hereby choose one of the following options, with regard to the accompanying instructions:

☐ I choose to have the Form ETA 9035CP electronically attached to the certified LCA, and to be bound by the LCA obligations as explained in this form

☒ I choose not to have the Form ETA 9035CP electronically attached to the certified LCA, but I have read the instructions and I understand that I am bound by the LCA obligations as explained in this form

OMB Approval: 1205-0310
Expiration Date: 05/31/2018

Labor Condition Application for Nonimmigrant Workers
ETA Form 9035 & 9035E
U.S. Department of Labor



Please read and review the filing instructions carefully before completing the ETA Form 9035 or 9035E. A copy of the instructions can be found at <http://www.foreignlaborcert.doleta.gov/>. In accordance with Federal Regulations at 20 CFR 655.730(b), incomplete or obviously inaccurate Labor Condition Applications (LCAs) will not be certified by the Department of Labor. If the employer has received permission from the Administrator of the Office of Foreign Labor Certification to submit this form non-electronically, **ALL** required fields/items containing an asterisk (*) must be completed as well as any fields/items where a response is conditional as indicated by the section (§) symbol.

A. Employment-Based Nonimmigrant Visa Information

1. Indicate the type of visa classification supported by this application (Write classification symbol): *

H-1B

B. Temporary Need Information

1. Job Title * BUSINESS ANALYST

2. SOC (ONET/OES) code *
13-1199

3. SOC (ONET/OES) occupation title *
BUSINESS OPERATIONS SPECIALISTS, ALL OTHER

4. Is this a full-time position? *
☒ Yes ☐ No

Period of Intended Employment

5. Begin Date * 10/15/2015
(mm/dd/yyyy)

6. End Date * 10/14/2018
(mm/dd/yyyy)

7. Worker positions needed/basis for the visa classification supported by this application

Total Worker Positions Being Requested for Certification *

Basis for the visa classification supported by this application

(indicate the total workers in each applicable category based on the total workers identified above)

a. New employment *

d. New concurrent employment *

b. Continuation of previously approved employment *
without change with the same employer

e. Change in employer *

c. Change in previously approved employment *

f. Amended petition *

C. Employer Information

1. Legal business name * PUSHPA, INC.

2. Trade name/Doing Business As (DBA), if applicable N/A

3. Address 1 * 749 ALBRIGHT ROAD

4. Address 2 N/A

5. City * ROCK HILL

6. State * SC

7. Postal code * 29730

8. Country * UNITED STATES OF AMERICA

9. Province N/A

10. Telephone number * 8033271160

11. Extension N/A

12. Federal Employer Identification Number (FEIN from IRS) * 570956770

13. NAICS code (must be at least 4-digits) * 424320

OMB Approval: 1205-0310
Expiration Date: 05/31/2018

Labor Condition Application for Nonimmigrant Workers
ETA Form 9035 & 9035E
U.S. Department of Labor



D. Employer Point of Contact Information

Important Note: The information contained in this Section must be that of an employee of the employer who is authorized to act on behalf of the employer in labor certification matters. The information in this Section must be different from the agent or attorney information listed in Section E, unless the attorney is an employee of the employer.

1. Contact's last (family) name *	2. First (given) name *	3. Middle name(s) *
HASSANI	RAJESH	N/A
4. Contact's job title * PRESIDENT		
5. Address 1 * 749 ALBRIGHT ROAD		
6. Address 2 N/A		
7. City * ROCK HILL	8. State * SC	9. Postal code * 29730
10. Country * UNITED STATES OF AMERICA		11. Province N/A
12. Telephone number * 8033271160	13. Extension N/A	14. E-Mail address PUSHPAINC@GMAIL.COM

E. Attorney or Agent Information (If applicable)

1. Is the employer represented by an attorney or agent in the filing of this application? *		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If "Yes", complete the remainder of Section E below.		
2. Attorney or Agent's last (family) name §	3. First (given) name §	4. Middle name(s) §
ARORA	AJAY	KUMAR
5. Address 1 § 1270 BROADWAY		
6. Address 2 SUITE 510		
7. City § NEW YORK	8. State § NY	9. Postal code § 10001
10. Country § UNITED STATES OF AMERICA		11. Province N/A
12. Telephone number § 2122683580	13. Extension N/A	14. E-Mail address INFO@H1B1.COM
15. Law firm/Business name § AJAY K. ARORA, ATTORNEY-AT-LAW, P.C.		16. Law firm/Business FEIN § 134085931
17. State Bar number (only if attorney) § 2600310	18. State of highest court where attorney is in good standing (only if attorney) § NY	
19. Name of the highest court where attorney is in good standing (only if attorney) § NY COURT OF APPEALS		

OMB Approval: 1205-0310
Expiration Date: 05/31/2018Labor Condition Application for Nonimmigrant Workers
ETA Form 9035 & 9035E
U.S. Department of Labor

F. Rate of Pay

1. Wage Rate (Required) From: \$ 48000.00 * To: \$ N/A	2. Per: (Choose only one) * <input type="checkbox"/> Hour <input type="checkbox"/> Week <input type="checkbox"/> Bi-Weekly <input type="checkbox"/> Month <input checked="" type="checkbox"/> Year
--	---

G. Employment and Prevailing Wage Information

Important Note: It is important for the employer to define the place of intended employment with as much geographic specificity as possible. The place of employment address listed below must be a physical location and cannot be a P.O. Box. The employer may use this section to identify up to three (3) physical locations and corresponding prevailing wages covering each location where work will be performed and the electronic system will accept up to 3 physical locations and prevailing wage information. If the employer has received approval from the Department of Labor to submit this form non-electronically and the work is expected to be performed in more than one location, an attachment must be submitted in order to complete this section.

a. Place of Employment 1

1. Address 1 * 749 ALBRIGHT ROAD	
2. Address 2	
3. City * ROCK HILL	4. County * YORK COUNTY
5. State/District/Territory * SC	6. Postal code * 29730
Prevailing Wage Information (corresponding to the place of employment location listed above)	
7. Agency which issued prevailing wage \$ N/A	7a. Prevailing wage tracking number (if applicable) \$ N/A
8. Wage level * <input checked="" type="checkbox"/> I <input type="checkbox"/> II <input type="checkbox"/> III <input type="checkbox"/> IV <input type="checkbox"/> N/A	
9. Prevailing wage * \$ 41974.00	10. Per: (Choose only one) * <input type="checkbox"/> Hour <input type="checkbox"/> Week <input type="checkbox"/> Bi-Weekly <input type="checkbox"/> Month <input checked="" type="checkbox"/> Year
11. Prevailing wage source (Choose only one) * <input checked="" type="checkbox"/> OES <input type="checkbox"/> CBA <input type="checkbox"/> DBA <input type="checkbox"/> SCA <input type="checkbox"/> Other	
11a. Year source published * 2015	11b. If "OES", and SWA/NPC did not issue prevailing wage OR "Other" in question 11, specify source \$ OFLC ONLINE DATA CENTER

H. Employer Labor Condition Statements

! Important Note: In order for your application to be processed, you MUST read Section H of the Labor Condition Application – General Instructions Form ETA 9035CP under the heading "Employer Labor Condition Statements" and agree to all four (4) labor condition statements summarized below:

- (1) **Wages:** Pay nonimmigrants at least the local prevailing wage or the employer's actual wage, whichever is higher, and pay for non-productive time. Offer nonimmigrants benefits on the same basis as offered to U.S. workers.
- (2) **Working Conditions:** Provide working conditions for nonimmigrants which will not adversely affect the working conditions of workers similarly employed.
- (3) **Strike, Lockout, or Work Stoppage:** There is no strike, lockout, or work stoppage in the named occupation at the place of employment.
- (4) **Notice:** Notice to union or to workers has been or will be provided in the named occupation at the place of employment. A copy of this form will be provided to each nonimmigrant worker employed pursuant to the application.

1. I have read and agree to Labor Condition Statements 1, 2, 3, and 4 above and as fully explained in Section H of the Labor Condition Application – General Instructions – Form ETA 9035CP. *	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
--	---

OMB Approval: 1205-0310
Expiration Date 05/31/2018Labor Condition Application for Nonimmigrant Workers
ETA Form 9035 & 9035E
U.S. Department of Labor**I. Additional Employer Labor Condition Statements – H-1B Employers ONLY**

! Important Note: In order for your H-1B application to be processed, you **MUST** read Section I – Subsection 1 of the Labor Condition Application – General Instructions Form ETA 9035CP under the heading “Additional Employer Labor Condition Statements” and answer the questions below.

a. Subsection 1

1. Is the employer H-1B dependent? §	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. Is the employer a willful violator? §	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3. If “Yes” is marked in questions 1.1 and/or 1.2, you must answer “Yes” or “No” regarding whether the employer will use this application <u>ONLY</u> to support H-1B petitions or extensions of status for exempt H-1B nonimmigrants? §	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

If you marked “Yes” to questions 1.1 and/or 1.2 and “No” to question 1.3, you **MUST** read Section I – Subsection 2 of the Labor Condition Application – General Instructions Form ETA 9035CP under the heading “Additional Employer Labor Condition Statements” and indicate your agreement to all three (3) additional statements summarized below.

b. Subsection 2

- A. **Displacement:** Non-displacement of the U.S. workers in the employer’s workforce
- B. **Secondary Displacement:** Non-displacement of U.S. workers in another employer’s workforce; and
- C. **Recruitment and Hiring:** Recruitment of U.S. workers and hiring of U.S. workers applicant(s) who are equally or better qualified than the H-1B nonimmigrant(s).

4. I have read and agree to Additional Employer Labor Condition Statements A, B, and C above and as fully explained in Section I – Subsections 1 and 2 of the Labor Condition Application – General Instructions Form ETA 9035CP. §	<input type="checkbox"/> Yes <input type="checkbox"/> No
---	--

J. Public Disclosure Information

! Important Note: You must select from the options listed in this Section.

1. Public disclosure information will be kept at: *	<input checked="" type="checkbox"/> Employer’s principal place of business <input type="checkbox"/> Place of employment
---	--

K. Declaration of Employer

By signing this form, I, on behalf of the employer, attest that the information and labor condition statements provided are true and accurate; that I have read sections H and I of the Labor Condition Application – General Instructions Form ETA 9035CP, and that I agree to comply with the Labor Condition Statements as set forth in the Labor Condition Application – General Instructions Form ETA 9035CP and with the Department of Labor regulations (20 CFR part 655, Subparts H and I). I agree to make this application, supporting documentation, and other records available to officials of the Department of Labor upon request during any investigation under the Immigration and Nationality Act. Making fraudulent representations on this Form can lead to civil or criminal action under 18 U.S.C. 1001, 18 U.S.C. 1546, or other provisions of law.

1. Last (family) name of hiring or designated official *	2. First (given) name of hiring or designated official *	3. Middle initial *
HASSANI	RAJESH	N/A
4. Hiring or designated official title *		
PRESIDENT		
5. Signature *		6. Date signed *

OMB Approval: 1205-0310
Expiration Date: 05/31/2018

Labor Condition Application for Nonimmigrant Workers
ETA Form 9035 & 9035E
U.S. Department of Labor



L. LCA Preparer

Important Note: Complete this section if the preparer of this LCA is a person other than the one identified in either Section D (employer point of contact) or E (attorney or agent) of this application.

1. Last (family) name § N/A	2. First (given) name § N/A	3. Middle initial § N/A
4. Firm/Business name § N/A		
5. E-Mail address § N/A		

M. U.S. Government Agency Use (ONLY)

By virtue of the signature below, the Department of Labor hereby acknowledges the following:

This certification is valid from 10/15/2015 to 10/14/2018.

Certifying Officer

Department of Labor, Office of Foreign Labor Certification

10/14/2015

Determination Date (date signed)

I-200-15280-736774

CERTIFIED

Case number

Case Status

The Department of Labor is not the guarantor of the accuracy, truthfulness, or adequacy of a certified LCA.

N. Signature Notification and Complaints

The signatures and dates signed on this form will not be filled out when electronically submitting to the Department of Labor for processing, but **MUST** be complete when submitting non-electronically. If the application is submitted electronically, any resulting certification **MUST** be signed *immediately upon receipt* from the Department of Labor before it can be submitted to USCIS for further processing.

Complaints alleging misrepresentation of material facts in the LCA and/or failure to comply with the terms of the LCA may be filed using the WH-4 Form with any office of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor. A listing of the Wage and Hour Division offices can be obtained at <http://www.dol.gov/esa>. Complaints alleging failure to offer employment to an equally or better qualified U.S. worker, or an employer's misrepresentation regarding such offer(s) of employment, may be filed with the U.S. Department of Justice, Office of the Special Counsel for Immigration-Related Unfair Employment Practices, 950 Pennsylvania Avenue, NW, Washington, DC, 20530. Please note that complaints should be filed with the Office of Special Counsel at the Department of Justice only if the violation is by an employer who is H-1B dependent or a willful violator as defined in 20 CFR 655.710(b) and 655.734(a)(1)(ii).

O. OMB Paperwork Reduction Act (1205-0310)

These reporting instructions have been approved under the Paperwork Reduction Act of 1995. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. Obligations to reply are mandatory (Immigration and Nationality Act, Section 212(n) and (t) and 214(c). Public reporting burden for this collection of information, which is to assist with program management and to meet Congressional and statutory requirements is estimated to average 1 hour per response, including the time to review instructions, search existing data sources, gather and maintain the data needed, and complete and review the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Labor, Room C-4312, 200 Constitution Ave. NW, Washington, DC 20210. (Paperwork Reduction Project OMB 1205-0310.) **Do NOT send the completed application to this address.**

Attachment #05, Picture #04

**PIEDMONT GENERAL
SURGERY ASSOCIATES**
Associated with PMC Physician Network

Kamran Borhanian, MD | Maureen Burdett, MD, FACS | Alex Espinal, MD | Sharon Williams, MD
200 S. Herlong Avenue, Suite G | Rock Hill, SC 29732 | O: 803-909-6300 | F: 803-909-6310

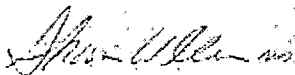
07/06/2017

Vibhadevi Das
1505 The Crossing
Rock Hill, SC 29732

To Whom It May Concern,

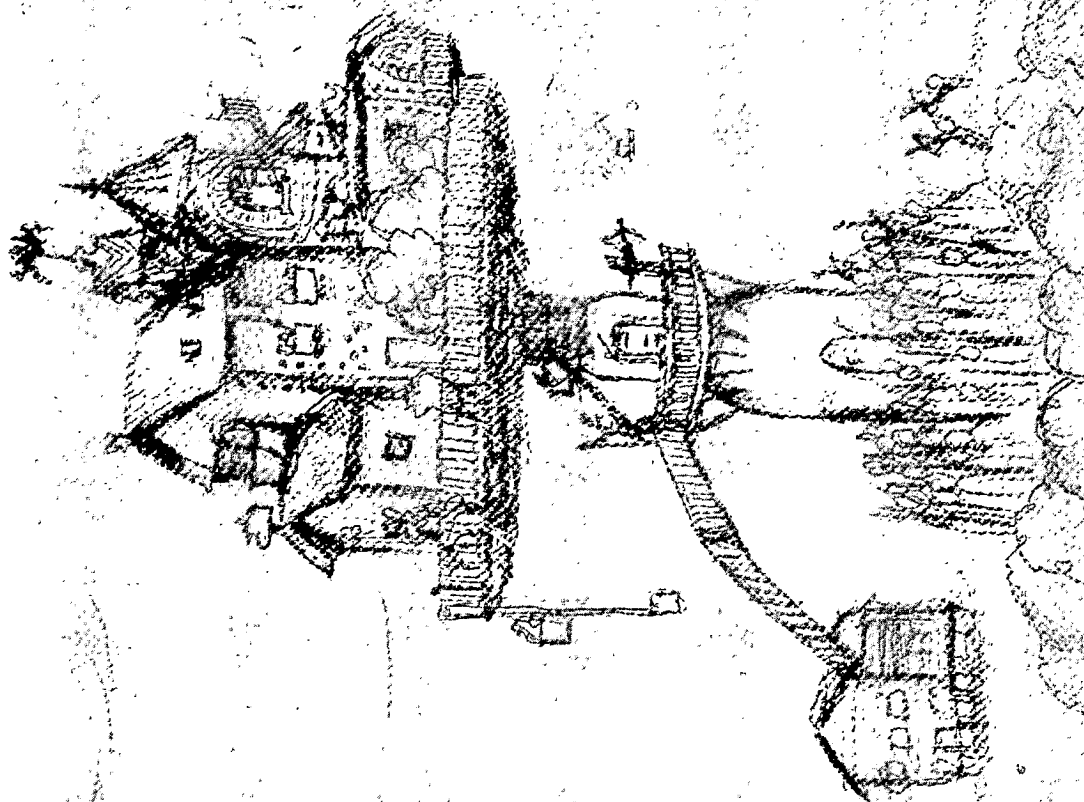
Ms. Vibha Devidas has been under my care since 6/5/2017 in regards to gangrenous cholecystitis. She also was diagnosed with pyelonephritis and kidney stones and is under the care of Dr. Wright for that. Patient unfortunately had a traumatic brain injury from a fall some years ago and is unable to manage her own care. Patient does not speak English and has only limited ability to communicate in her own language. Patient is unable to sign her hold a pen in her right hand due to injury to the wrist. It is my understanding that she is cared for by her husband Mr. Kalishwar Das who manages all her affairs. I am writing this letter at his request to explain the patient's medical condition and the necessity for him to manage her care she is unable to do so. You may call my office with any further questions.

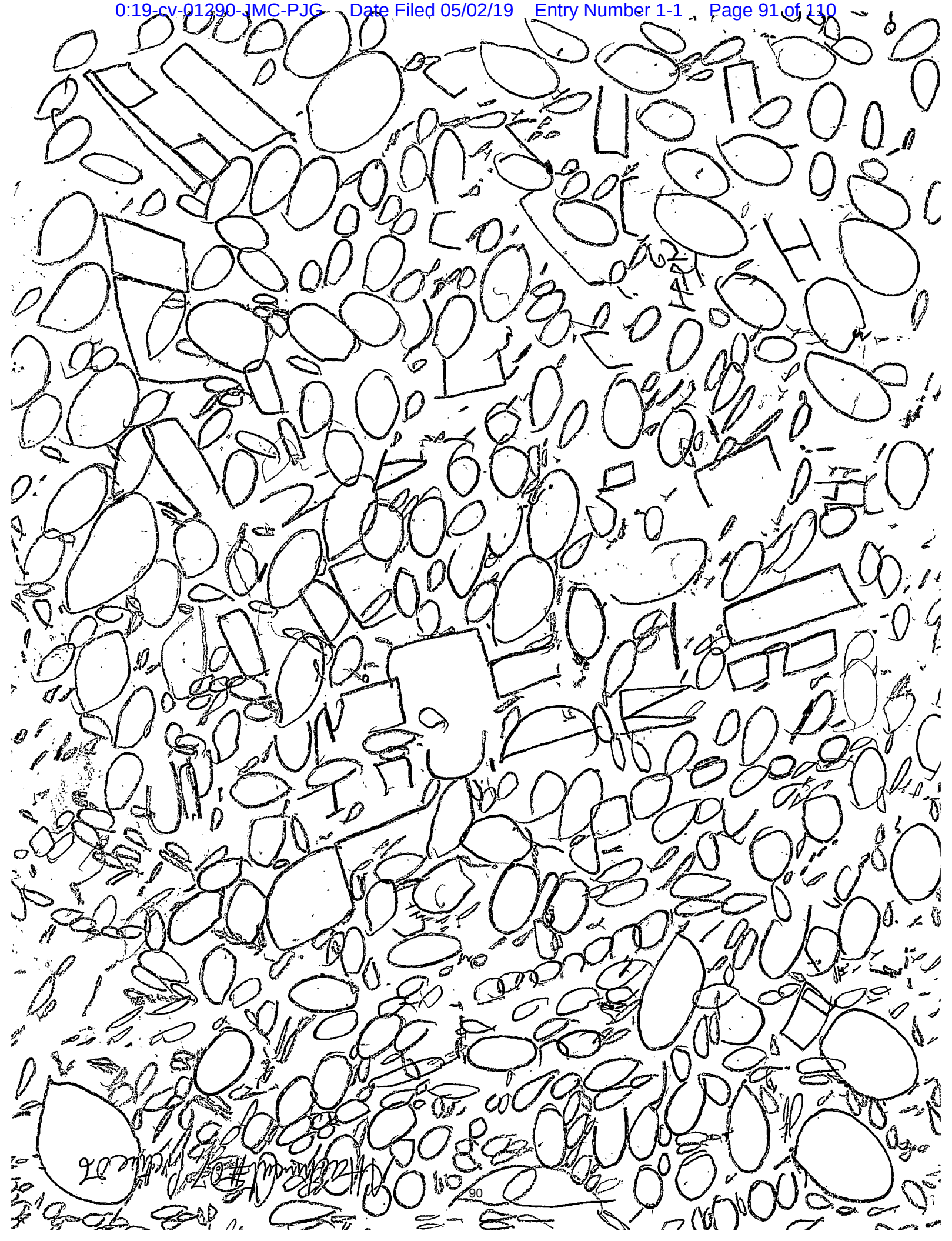
Sincerely,



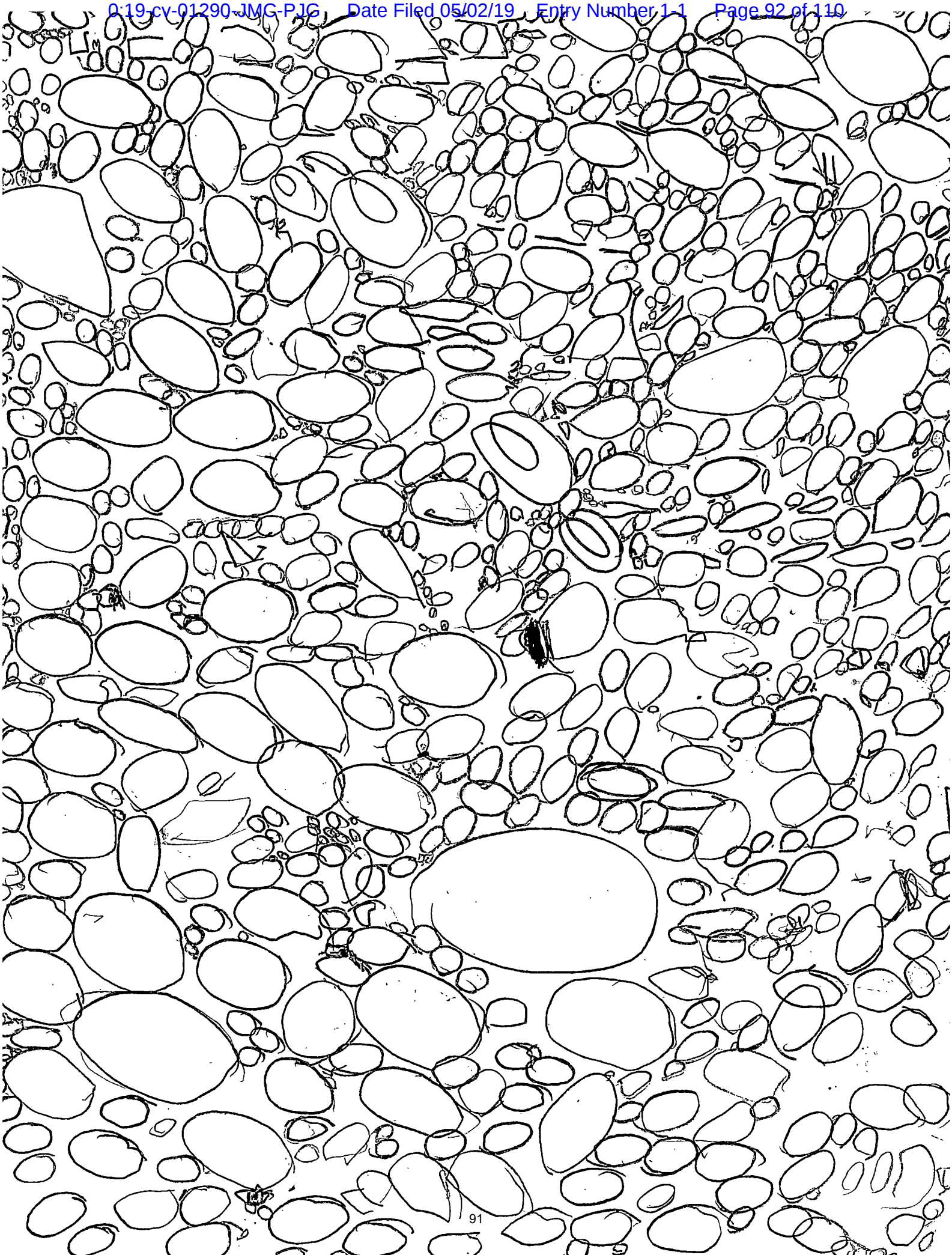
Sharon L. Williams MD

Attachment #06, picture #05





07/07/2019



Picture #08, Attachment #08



Rechn#09
Attachment# 09, 2 pages

1

Date: Feb 20, 2014

To,

District Director
US Dept. of Labor
Wage & Hour Division
Federal Building, Room 1072
1835 Assembly Street
Columbia, SC 29201-9863

Sub: Request to enforce the labor law in the matter of wage & hour dispute and harassment.

Hello Sir/Madam,

Good morning!

I am looking for the protection available to nonimmigrant visa (J1/H1b) holder as if he is wrongly placed, worked overtime without pay, without national holidays off, without vacation and without sick leave in past eight years. I'm working six days a week despite the laws of: five days and forty hours a week. I work no less than 62+ hours a week, 248+ hours a month or almost 3000 hours every year, which is really painful if not paid. I started working with Pushpa Inc. in year 2006 as a trainee (J1) and later changed status to H1b as Business Development Analyst. My prime duty was to help company to grow business and enhance profitability. Company asked me to handle retail section also at its main location. Alteration, warehouse inventory and some other regular works were in my tri-fold schedules without any pay structure.

Company provided me front desk instead of separate cabin, kept me on minimum travel condition, all to fulfill additional charges of retail sales of dressy and casual clothing, all alterations works, wholesale, collections, direct retail ordering, administration & security works. Thus I was in double job with more than doubled work-load but got paid basic salary for one. I was never given any commission on sale, no sick leave and with temporary help worked on all national holidays while all other locations was remain closed. I was never paid for tax-free alteration works also. In eight years, I took a single vacation of six days and my salary was deducted like for absence due to falling sick it was deducted before. Bonus I remember I got twice of my half salary in year 2007 and 2010.

Owner of this company Mr. Rajesh Hassani, being from the same country, India, won my trust to utilize all my expertise and qualification for the growth of the company so that he will award me my good life in future. Since I joined in 2006, locations, annual turnover and work force in the company has increased by no less than 400% but he failed to keep his words. For helping company people, customers and work requirements, I kept no exception of time, labor and risk at health but in return got nothing but the harassing answers. On reminding him of his promises he first falsely took some time then started showing me some unexpected conditions of delays and then putting some bindings and greed and then finally refusing all of them. Freshly his harsh talk like: "I'll slap you" was the 'first' in series of his countless harassments and communication threat to break my confidence.

I feel like, I'm in severe danger now and I have no option rather to let the legal people know this condition and to ask them for help as if, US law protects a nonimmigrant foreign worker equally as it protects to its citizens. I am also least aware of US human rights laws on this otherwise I would have several serious things to report to the government. If according to labor law my case is

cognizable (threat on my life, mental harassment, health loss and my unpaid salary for whatever I did as a full time worker out of my declared job description), then I would prefer to petition my claim and get my statements in this letter be duly verified for the justice and further proceedings.

I tried to find a few things in related Labor Laws comparing my LCA (Labor Condition Application). I failed because (1) I didn't find statement about nonimmigrant foreign workers in the same criteria, (2) I didn't find clause about the limit of working hours no matter how much paid at what rate and ratio and also (3) I didn't see any coverage on 'double of work' matter done at single salary as business analyst and at the same time retailing person on floor with many other kind of undeclared duties and unpaid hours. I am ready to put an Affidavit regarding my multiple jobs out of declared job description as Business Development Analyst on H1b, but I see no such option.

I am like a single parent because my wife after an accident in India became handicap. She came to US in 2008 with our two boys, 11 and 13 years old now. I do everything in family myself. She stays home alone until boys ride back in bus one by one from two different schools. I am also in the receipt of US Patent since 2004-05 and my plea for I-140 (Extraordinary ability) is under process with USCIS Texas Service Center since October 2013. I have successfully rebuilt (2011) the machine in US that produces cheap electric energy.

I beg your help for the justice.

Kalishwar Das

Working at: Pushpa Inc.
749 Albright Road
Rock Hill, SC 29730.
Ph: 803-327-1160

Reside at: 1315 Cypress Point Drive
Apartment#105,
Rock Hill, SC 29730.
Ph: 803-370-2344.
Email: kalishwar@me.com

Attachment #10
Picture - 10&11
2 pages



Rock Hill
POLICE



Rock Hill Police Department • South Carolina • www.rockhillpd.com

CFS - Command Log

Printed on March 26, 2019

CFS # 2015011545
Call Taker [REDACTED]
Location 749 ALBRIGHT RD, ROCK HILL, SC 29730
Location Details Pushpa Discount Store
Primary Incident Code LARC : Larceny
Mod Investigation
Priority 2
Use Caution No
Primary Disposition No Report
Beat RH05
Call Time 09/14/15 11:34:55
Completed Time 09/14/15 12:03:09

Reporters

[REDACTED]
Sex
DOB
Address
Report Time 09/14/15 11:34:55
How Reported 911
From Phone
Contact Phone [REDACTED]
Comments

Other Names

Vehicles

Responders

[REDACTED] Murphy, Ray RHPD
Little, William RHPD

Response Times

Assigned 09/14/15 11:36:45
Enroute 09/14/15 11:37:15
Arrived 09/14/15 11:41:42
Completed 09/14/15 12:03:09

IR / External Agency Numbers

Made by ZUERCHER

Page 1 of 2

Command Log

09/14/15 11:34:55 | [REDACTED] | New CFS
09/14/15 11:36:04 | [REDACTED] | Comp states his store manager stole from him
09/14/15 11:36:12 | [REDACTED] | all parties onscene
09/14/15 11:36:45 | [REDACTED] | Assign
09/14/15 11:37:15 | [REDACTED] | Enroute
09/14/15 11:37:34 | [REDACTED] | Enroute
09/14/15 11:37:39 | C [REDACTED] | Store manager name: [REDACTED]
09/14/15 11:41:42 | [REDACTED] | On Scene
09/14/15 11:44:45 | [REDACTED] | On Scene
09/14/15 11:53:28 | [REDACTED] | Check Status - units 10-4
09/14/15 12:03:09 | S [REDACTED] | Complete



Attachment #11
Picture #12
ONE PAGE

October 5, 2015



B3739-L01-6355998 0065.00004391 *****5-DIGIT 29732

KALISHWAR DAS
1505 THE CROSSING
ROCK HILL, SC 29732-7746



I am writing to let you know of an incident that occurred involving T-Mobile USA data housed at Experian that may have involved an unauthorized disclosure of your personal information.

On September 15, 2015, we discovered that an unauthorized party accessed certain Experian servers. We immediately began to investigate the incident and to implement additional security measures.

On September 21, 2015, we notified T-Mobile USA, Inc. that information Experian maintains on their behalf to perform credit checks had been downloaded by the unauthorized party. Information you provided when you applied for an account at T-Mobile likely was acquired. That information includes your name, address, social security number, date of birth, identification number (such as driver's license, military ID, or passport number) and additional information used in T-Mobile's own credit assessment. No payment card or banking information was obtained. This did not involve access to Experian's credit reporting database.

Experian has notified appropriate federal, state and international law enforcement agencies and has taken additional security steps to help prevent future incidents.

What We Are Doing to Protect You

First and foremost, we want to sincerely apologize to you if any of your personal information was disclosed in this incident. We recognize that this issue can be frustrating, and we are taking steps to protect you and your personal information.

To help protect your identity, we are offering a **complimentary** two-year membership in ProtectMyID® Elite credit monitoring and identity theft resolution services. This product may help detect misuse of your personal information and provides you with identity protection support focused on prompt identification and resolution of identity theft. To Activate ProtectMyID please do the following:

1. **ENSURE That You Enroll By April 30, 2016**
2. **VISIT the ProtectMyID Web Site to enroll: www.protectmyid.com/securityincident**

If you have questions or need an alternative to enrolling online, please call Experian at 866-369-0422.

6355998



B3739-L01

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797A, Notice of Action



RECEIPT NUMBER EAC-16-013-52058		CASE TYPE I-129 PETITION FOR A NONIMMIGRANT WORKER
RECEIPT DATE October 20, 2015	PRIORITY DATE	PETITIONER PUSHPA INC
NOTICE DATE October 27, 2015	PAGE 1 of 2	BENEFICIARY A206 121 303 DAS, KALISHWAR
AJAY KUMAR ARORA AJAY K. ARORA ATTORNEY-AT-LAW PC 1270 BROADWAY STE 510 NEW YORK NY 10001		Notice Type: Approval Notice Class: H1B Valid from 10/27/2015 to 10/14/2018 Consulate:

The above petition and extension of stay have been approved. The status of the named foreign worker(s) in this classification is valid as indicated above. The foreign worker(s) can work for the petitioner, but only as detailed in the petition and for the period authorized. Changes in employment or training may require you to file a new Form I-129 petition. Since this employment or training authorization stems from the filing of this petition, separate employment or training authorization documentation is not required. Please contact the IRS with any questions about tax withholding.

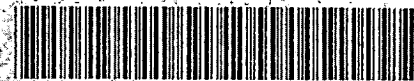
The petitioner should keep the upper portion of this notice. The lower portion should be given to the worker. He or she should keep the right part with his or her Form I-94, Arrival-Departure Record. The I-94 portion should be given to the U.S. Customs and Border Patrol when he or she leaves the United States. The left part is for his or her records. A person granted an extension of stay who leaves the U.S. must normally obtain a new visa before returning. The left part can be used in applying for the new visa. If a visa is not required, he or she should present it, along with any other required documentation, when applying for reentry in this new classification at a port of entry or pre-flight inspection station. The petitioner may also file Form I-824, Application for Action on an Approved Application or Petition, to request that we notify a consulate, port of entry, or pre-flight inspection office of this approval.

The approval of this visa petition does not in itself grant any immigration status and does not guarantee that the alien beneficiary will subsequently be found to be eligible for a visa, for admission to the United States, or for an extension, change, or adjustment of status.

THIS FORM IS NOT A VISA AND MAY NOT BE USED IN PLACE OF A VISA.

The Small Business Regulatory Enforcement and Fairness Act established the Office of the National Ombudsman (ONO)

Please see the additional information on the back. You will be notified separately about any other cases you filed.
U.S. CITIZENSHIP & IMMIGRATION SVCS
VERMONT SERVICE CENTER
75 LOWER WELDEN STREET
SAINT ALBANS VT 05479-0001
Customer Service Telephone: (800) 375-5283
Form I-797A (Rev. 10/31/05)N



PLEASE TEAR OFF FORM I-94 PRINTED BELOW, AND STAPLE TO ORIGINAL I-94 IF AVAILABLE

Detach This Half for Personal Records

Receipt# EAC-16-013-52058

I-94# 410913398 11

NAME DAS, KALISHWAR

CLASS H1B

VALID FROM 10/27/2015 UNTIL 10/14/2018

PETITIONER: PUSHPA INC
749 ALBRIGHT ROAD
ROCK HILL SC 29730

410913398 11

Receipt Number EAC-16-013-52058

United States Citizenship and Immigration
Services

I-94

Departure Record

Petitioner: PUSHPA INC

14. Family Name DAS	
15. First (Given) Name KALISHWAR	12
17. Country of Citizenship INDIA	

Form I-797A (Rev. 10/31/05) N



**PIEDMONT
MEDICAL CENTER**

Powerful Medicine, Made Personal.

Attachment # 13
Picture # 14

Date and Day of Visit: Friday, January 26

Patient Name: Kalishwan Das

Out of Work/School: 3 day(s)

Return to Work /School (DATE AND DAY OF WEEK): Monday, Jan. 29

Family member/caregiver Name: _____

Follow up as directed with Referral MD for an extended work note or return to work statement as per your discharge instructions. Our Physicians do not complete FMLA forms.

RESTRICTIONS: _____ If any noted, you must follow up with your Referral MD to have it amended.

NURSE _____

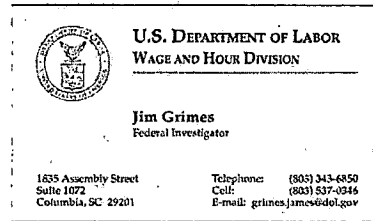
MD

[Signature] MD

PHONE 803.325.6370 NURSE NAVIGATOR

ORIGINAL FOR PATIENT IS IN COLOR, SCANNED TO THE CHART AND WATERSEAL IS PRESENT

Attachment # 14, Picture # 15, 3 pages



To,
 The Commissioner/Administrator
 Department of Labor
 Columbia, South Carolina.

Date: 07232018

Ref# In regard to my previous application for the dues settlement with my employer.

Dear Sir or Madam:

My name is Kalishwar Das and I'm working as the Business Analyst for Pushpa Inc. at 749 Albright Road, Rock Hill 29732 on my H1b speciality visa since October 1, 2008, which is expiring on October 14th 2018. My labor certification is approved for qualifying me for my I-140 approval from USCIS for the green card where my priority date is July 11th 2013 on the eb3 category from India. My A#206121303.

I humbly want to attract your kind attention toward my request letter of 2012 regarding the dues settlement with my employer Pushpa Inc. Due to his absurd abusive behaviour; I had brought that matter in the light and had expressed my desire to settle the torture issue and salary dispute in a legal manner. As per my information, your department issued some direction in this regard to my employer, which was completely neglected by him and no actions regarding the payment of dues were taken ever while he kept harassing me publicly. Information about DoL communication was given to me only by another employee of the same company and never by my employer.

My employer may have some problem in executing his business disorderly. Followed by his countless torture and public humiliation at work, he assaulted me physically on November 2nd causing me shoulder dislocation and leg-twist. The doctor gave me some painkiller medicine and expected me to follow up the treatment but on refusing to pay the medical bill by my employer, I discontinued following up the hospital. I requested him for the payment but he kept lingering and then refusing while I somehow kept attaining my job. When pain turned worst I started failing in attaining the job and he started truncating the major portion of my salary. This created a financial havoc because all incoming bills started falling,

affecting my credit adversely. My mortgage payment went unpaid along with several credit card payments and I lost many of them forever. I'm requesting to my banker to precede foreclosure of my house because of this acute crisis at job and salary dispute. We don't know in this acute crisis where we'll go if not back to India.

Finally, I decided again knocking DoL's door or any other government agency to help us settle our all old dues in any possible manner. I'm here after taking his last word of refusal, mentioning the previous direction from Labor Department that if I pledge again to them (to DoL) I'll lose my job with H1b status. Since I had no option left to survive with my physically challenged wife and two teenaged boys so, I decided to come to you first risking my job finally.

If I really lose my job with him because I requested your department for the help gets justice, we'll move back to India because I know, US laws do not protect anybody fallen like we are going to fall for a reason.

Please help us in settling my overtime payment. Without allowing any holidays or medical leave in almost ten years, he put me at six days a week schedule against the labor certification for five days a week or 40 hours a week. Thus added an extra 22 or more hours extra every week. Please see the chart that elaborates the facts:

Days	Legal Hrs of work	Overtime hrs of work	Total hrs worked.
Monday	10am-6pm=8hrs	6pm-8pm=2hrs	10 hours
Tuesday	10am-6pm=8hrs	6pm-8pm=2hrs	10 hours
Wednesday	10am-6pm=8hrs	6pm-8pm=2hrs	10 hours
Thursday	10am-6pm=8hrs	6pm-8pm=2hrs	10 hours
Friday	10am-6pm=8hrs	6pm-9pm=3hrs	11 hours
Saturday	was my off-day but I worked	10am-9pm=11hrs	11 hours
Sunday	I never worked on Sunday		
In a Week	40hrs	22hrs	62hrs
In a Month	160hrs	88hrs	248hrs
In a Year	1920hrs	1056hrs	2976hrs
In Ten Years	19200hrs	10560hrs	29760hrs

My approved first basic salary was \$3000.00 every month which went up to \$4000.00 in 10yrs but I'm calculating at first basic, to get the minimum total overtime dues: $10560\text{hrs} \times \$3000 (\text{first basic}) / 160 (\text{monthly legal hours}) / 2 \times 3 (\text{extracting overtime}) = \$2,97,000 - \$14,873$ (discontinued working period due to bad health) = \$2,82,127.00 (Net unpaid dues taxable, interest and late fee and losses extra to be added if DOL thinks applicable.)

Despite doing a number of out of job duties, like alterations and several repair works I was never paid for that or any commission but a bonus of 400 that started only two years ago.

His only statement as an answer kept me on hold that a salaried employee doesn't deserve the overtime payment despite DoL's declared hours of work. If this is true then I certainly need to escalate this matter in court to justify because I strongly believe 'disobeying written DoL directives cannot be a rule of operation in any circumstance as this could be the violation of similar laws in practice and also the worker's exploitation against their human rights.

If Department of Labor cannot issue clear directives to my employer to settle payment then please refer this case to the court of justice or advice me, how to do the same. This will help me raise the issue of loss due to my public humiliation by him, physical assault on me and the loss due to continuous mental harassment. In the wake of getting justice first, I'm not worried about his possible refusal of extending my h1b visa, which will end my tenure instantly and I'll be required to return to my native country of birth. I'm ready to face that loss instead of keeping this inhumane job situation continued.

Thank you with due regards and hopes.

Kalishwar Das
1505 The Crossing
Rock Hill, SC 29732
Ph: 803.370.2344
Email: kalishwardas@gmail.com
07232018

Attachment #15, Pictur #16, 2 pages

**U.S. Department of Labor
Wage and Hour Division
Receipt for Payment of Back Wages, Liquidated Damages,
Employment Benefits, or Other Compensation**



I, Das, Kalishwar, have received payment of wages, liquidated damages, employment
(typed or printed name of employee)
benefits, or other compensation due to me from Pushpa, Inc.
(name and location of the establishment)

749 Albright Road Rock Hill SC 29730

for the period beginning with the workweek ending 08/27/2016 through the
workweek ending 08/25/2018. The amount of the payment I received is shown below.

This payment of wages and other compensation was calculated or approved by the U.S. Department of Labor Wage and Hour Division (WHD) and is based on the findings of a WHD investigation. This payment is required by the Act(s) indicated below in the marked box(es):

☒ Fair Labor Standards Act (FLSA)

Gross Amount Back Wages \$10,297.32 Gross Amount Liquidated Damages \$0.00
Legal Deductions from Back Wages _____ Other Amount Paid _____
Net Amount Received _____ (please specify type)

NOTICE TO EMPLOYEE: Your acceptance of this payment of wages and/or other compensation due under the Fair Labor Standards Act (FLSA) or Family Medical Leave Act (FMLA), based on the findings of the WHD means that you have given up the right you have to bring suit on your own behalf for the payment of such unpaid minimum wages or unpaid overtime compensation for the period of time indicated above and an equal amount in liquidated damages, plus attorney's fees and court costs under Section 16(b) of the FLSA or Section 107 of the FMLA. Generally, a suit for unpaid wages or other compensation, including liquidated damages, must be filed within two years of a violation of the FLSA or FMLA. Do not sign this receipt unless you have actually received this payment in the amount indicated above.

RETALIATION AND KICKBACKS PROHIBITED: Your employer is prohibited from retaliating against you for accepting payment of wages you are owed or from requiring you to return or decline payment of the wages owed to you. Your employer is also prohibited from retaliating against any person who files a complaint with the Wage and Hour Division (WHD) or cooperates with a WHD investigation. Your employer is also prohibited from interfering with, restraining, or denying the exercise of Family Medical Leave Act (FMLA) rights. You should contact the WHD immediately if your employer takes any of these actions or fails to comply with the law in the future. Your identity will be kept confidential to the maximum extent possible under existing law. You may contact the WHD by calling 1-866-487-9243 or 803-765-5981.

Signature of employee _____ Date _____
Address _____

I understand that my signature on this receipt and waiver attests to the fact that I have actually received the payment in the amount indicated above of the wages, liquidated damages, or other compensation due to me, and that I waive my right to bring suit as described above, and covering the period set forth above.

EMPLOYER'S CERTIFICATION TO WAGE AND HOUR DIVISION OF THE DEPARTMENT OF LABOR:

I hereby certify that I have on this (Date) _____ paid the above-named employee in full covering lost or denied wages, liquidated damages, or other compensation as stated above. I further certify that I have not and will not retaliate against the above-named employee for accepting this payment and I have not and will not ask the employee to return all or part of this payment to me.

Signature _____ Title _____
(employer or authorized representative)

**PENALTIES INCLUDING FINES OR IMPRISONMENT ARE PRESCRIBED FOR A FALSE
STATEMENT OR MISREPRESENTATION UNDER U.S. CODE, TITLE 18, SEC. 1001**

**U.S. Department of Labor
Wage and Hour Division
Receipt for Payment of Back Wages, Liquidated Damages,
Employment Benefits, or Other Compensation**



Employee: Das, Kalishwar

IMPORTANT TAX INFORMATION: The back wages you received are taxable wages subject to employment taxes (federal income tax withholding, social security tax, Medicare tax, and Additional Medicare Tax). The taxes withheld from your back wages are listed on the line labeled "Legal Deductions from Back Wages." You should receive a Form W-2, Wage and Tax Statement, from your employer reporting these amounts. For more information on the tax treatment of settlement proceeds, see IRS Publication 4345, available at www.irs.gov.

**PENALTIES INCLUDING FINES OR IMPRISONMENT ARE PRESCRIBED FOR A FALSE
STATEMENT OR MISREPRESENTATION UNDER U.S. CODE, TITLE 18, SEC. 1001**

Date:03/06/2019 9:31:15 AM

Case ID: 1874246

Form WH-58 (Rev. April 2017)
Page 2

Attachment #16 Picture #18
2 pages

EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Kalishwar Das**
1505 The Crossing
Rock, SC 29732From: **Greenville Local Office**
301 North Main St
Suite 1402
Greenville, SC 29601On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

436-2019-00416

Nelson L. Quintana, Jr.,
Investigator

(864) 241-4412

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

FEB 04 2019

Enclosures(s)


Patricia B. Fuller,
 Local Office Director

(Date Mailed)

 cc: **Rajesh Hassani**
 Owner
PUSHPA INC.
 749 Albright Road
 Rock Hill
 Rock Hill, SC 29730

Enclosure with EEOC
Form 161 (11/16)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

4/1/2019



Kalishwar Das <kalishwardas@gmail.com>

Back Wages due - Form WH-58

5 messages

Fay, Rosa B - WHD <Fay.Rosa@dol.gov>
To: Kalishwar Das <kalishwardas@gmail.com>

Wed, Mar 6, 2019 at 11:31 AM

Good morning Mr. Das,

I have been informed that Pushpa, Inc., had already sent the check for the back wages computed to your home address.

I am attaching the WH-58 for your consideration. If you decide to sign the form, please forward it back to me or mail it directly to:

Columbia District Office

Attention: District Director

1835 Assembly Street,

Suite 1072

Columbia, SC 29201

Thank you,

Rosa B. Fay

Investigator Wage and Hour Division

United States Department of Labor

Greenville Field Office

Vardry Executive Center

Suite 101 D/E, 24 Vardry Street

Greenville, SC 29601

Phone: 803-467-5906

****WARNING****

The attached information may be confidential. It is intended only for the addressee(s) identified above. If you are not the addressee(s), or an employee or agent of the addressee(s), please note that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please destroy and/or permanently delete the information and notify the sender of the error.

 WH-58.pdf
124K

Kalishwar Das <kalishwardas@gmail.com>
To: "Fay, Rosa B - WHD" <Fay.Rosa@dol.gov>

Wed, Mar 6, 2019 at 1:56 PM

Ok, I'm not going to accept it.
[Quoted text hidden]

Kalishwar Das <kalishwardas@gmail.com>
To: "Fay, Rosa B - WHD" <Fay.Rosa@dol.gov>

Wed, Mar 6, 2019 at 2:06 PM

Mam,

I'll accept any correspondence from you only and not from Pushpa Inc. until my overtime wages are reconsidered. Form you're sending, I'm take that to my CPA/attorney to get suggested.

Thanks.
[Quoted text hidden]

Kalishwar Das <kalishwardas@gmail.com>
To: "Fay, Rosa B - WHD" <Fay.Rosa@dol.gov>

Wed, Mar 6, 2019 at 2:29 PM

Hello Mam,

4/1/2019

Gmail - Back Wages due - Form WH-58

Confirmation from attorney also came stating the same that, calculation is wrong. So now it is sure that any check coming from Pushpa will be disregarded until my wages are not reconsidered or proven wrong to my attorney and CPA both.

I'll be in touch.

Thanks.

On Wed, Mar 6, 2019, 11:31 AM Fay, Rosa B - WHD <Fay.Rosa@dol.gov> wrote:
[Quoted text hidden]

Kalishwar Das <kalishwardas@gmail.com>
To: "Fay, Rosa B - WHD" <Fay.Rosa@dol.gov>

Wed, Mar 6, 2019 at 7:24 PM

Hello Ms. Rosa,

I read the attached form WH-58 and found the same amount mentioned which is unacceptable to me because it has not been calculated according to FLSA method of counting basic salary plus half of the basic salary as the overtime payment method. Please review DOL's decision and let me know what possible steps are required to be taken ahead of this rejection by me. In my other emails sent today, I mentioned some other discrepancies also for your kind look and correction. If there is any specific rules or forms to apply with, for reviewing this decision, and is required by law then please let me know. I'll proceed without delay.

Meantime, if the former employer sends me the check, I'll simply reject it back from the door for sure.

While initiating the federal suit on March 5th, 2019, I was not allowed to refer any pending case in any other department or court. So my Attorney didn't mention about DOL in those filing but if my request to correct/review the calculation is not regarded, I'll have to refer this outcome from DOL in my favor but unacceptable with causes explained in hearing. My current status with DOL is apparently won and that will certainly help me ahead in federal court.